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History.

HISTORY

OF

THE GERMANIC EMPIRE.

BY

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MEMBER OF THE ROYAL SPANISH ACADEMY OF HISTORY, ETC.

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VOL. II.

Duke Ferdinand

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ANALYTICAL AND CHRONOLOGICAL,

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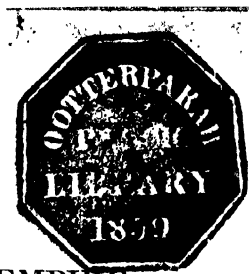

HISTORY

THE GERMANIC EMPIRE.

BOOK I. — *continued.*

POLITICAL AND CIVIL HISTORY OF THE EMPIRE DURING THE MIDDLE AGES.

752—1437.

CHAPTER IV. — *continued.*

THE HOUSES OF HAPSBURG, LUXEMBURG, AND BAVARIA — *continued.*

1273—1437.

SECTION II.

RISE AND PROGRESS OF THE IMPERIAL AND FREE CITIES BELONGING TO THE HANSEATIC LEAGUE. — ITS POWER AND DECLINE. — HORRIBLE SCENES AT NOVOGROD. — GRADUAL FALL OF THE LEAGUE. — CHARACTER, MANNERS, AND HABITS OF THE GERMANS DURING THE PERIOD. — CHIVALRY. — ROBBERY. — PRIVATE WAR. — INTOXICATION. — OBSERVATIONS ON SOME OF THE GERMANIC CODES IN USE DURING THE MIDDLE AGES. — PROGRESS OF THE ROMAN LAW. — ADDITIONAL REMARKS ON THE GENERAL SPIRIT OF NATIVE CODES. — THE JUS FRISICUM. — THE JUS PROVINCIALE SUEVICUM.

1273 to 1437.

THOUGH, in several pages of the present work, we have adverted to the rise and progress of the cities, and

have alluded to the leagues which they were ever ready to form with each other, and which gave them so preponderating a weight in the social balance, there is one confederation but imperfectly noticed, yet deserving of our peculiar attention; — we mean the famous Hanseatic League: and, that we may complete the subject at one view, we shall not hesitate somewhat to anticipate events. Its original, and, at all times, its primary object, was commercial security. From ages immemorial, the Baltic had been infested by pirates, who regarded their profession as equally noble with that of war. So long as these depredations were confined to the pagan tribes on its shores, civilisation suffered little from them; but after several of them had embraced Christianity, and after the establishment of a settled government opened the door to industry, they became intolerable. From this harassing evil no place suffered more than Hamburg. Founded in the ninth, and endowed with imperial privileges in the twelfth century, this city, from its favourable position on the Elbe, and its contiguity to the German Sea and the Baltic, could not want incentives to enterprise, and to aspire after a higher degree of prosperity. But from Adam of Bremen, who displays so deplorable an ignorance of the Baltic shores, and who yet had all the geographical knowledge of the period, we may safely infer that, prior to the eleventh century, its trade had been chiefly inland, — probably confined to the immediate vicinity of its own river. After the conversion of Denmark, and the subjugation of the southern coast, from Holstein to Livonia, by the arms of Denmark and Saxony, a new and vast field was presented to commercial enterprise. Still Sweden and Norway were but partially converted; the inhabitants were still attached to the piratical life of their forefathers; and the Slavonic maritime tribes had, with few exceptions, sternly repulsed the religion of peace: navigation was, therefore, dangerous, and could not be attempted by single vessels. Nor did Lubeck, which was founded in the twelfth century, and

the position of which was also favourable, suffer less from this uncertain state of things. As these cities were necessarily in communication with each other, they agreed, about the middle of the thirteenth century, to unite their efforts, not only for the safe transit of merchandise across the isthmus, but for the protection of their ships in both seas. By what means this latter object was to be attained, we are not informed; and we may doubt whether both cities would be able to maintain an armed force capable of awing the northern pirates. Yet this union was the origin of the Hanseatic League; and its advantages must have been solid, or so many other cities would not have joined it. Brunswick, a place of commercial note, was the first to adhere; the example was speedily followed by Wismar, Rostock, Stralsund, Griefswald, Colberg, Stettin, Wisby, Riga, &c.; and, before the close of the century, by Bremen, Gröningen, Lunenburg, Elbingen, Stada, Magdeburg, Halle, Goslar, &c.; and, subsequently, by not only the rest of the maritime places from Russia to Holland, but by many of the inward cities, even the imperial ones of the Rhine. The number was about seventy, distributed into four classes or circles: the head of the first was Lubeck; of the second, Cologne; of the third, Brunswick; and Dantzic, of the fourth. All sent deputies to a congress, which was generally held at Lubeck, and which exercised supreme authority over the confederation: it was convoked every three years, or oftener if the interests of the members required; and the letters of summons always specified the subjects which would be proposed for deliberation. Every decree was communicated to the magistrates of the four cities which presided over the circles, and through them to the rest. And besides the towns to which we have alluded, and which constituted integral parts of the body, there were others termed *allies*; these did not contribute to the general fund, nor participate in the general profit; but as, in the event of war, their aid was useful, they were allowed certain

had no influence whatever, and that of the former was much less than we generally suppose. Waldemar, disappointed in his hopes of interference, authorised the regents whom he had left behind to conclude a peace with the confederation on whatever terms it should dictate; he even surrendered his best fortresses for a term of fifteen years, as a guarantee for his faithful performance of the conditions. Again, when their ally the count of Holstein was at war with Eric of Denmark, they furnished him with an aid of 260 ships, carrying 12,000 soldiers; and the count triumphed. A third expedition was still more signal: another ally, Albert of Brandenburg, they raised to the throne of Norway. Their influence in Sweden may be conceived from the fact that by compulsory concession they were allowed to nominate the chief magistrates in the maritime cities of that kingdom. For their success sufficient reasons have been given: —

"On the part of the league were union, subordination, and resources; while the half-civilised monarchies of Scandinavia were distracted by dissensions and troubles; while revolution succeeded to revolution, and anarchy only was triumphant. Another, and not less important circumstance, favoured the Hanse cities: the local government of each was popular; and, as it possessed the respect and confidence of the people, it was able to guide the resources of the state for the common good. The remarkable prosperity of the confederated cities was not the effect of commerce aloife. To the undisciplined levies of the northern princes, consisting of men without any attachment to their chiefs, the cities could oppose a body of nobles, constantly in their pay, and of citizens inured to war, and eager to defend their privileges and substance. All military operations were directed by a council, consisting of men distinguished for talents and experience, devoted to the cause, and responsible to people whose confidence they enjoyed. But it was on their maritime force that the cities peculiarly relied; and whether that force were employed in war or commerce was indifferent, so that the ships were fitted out at little expense. Besides these favourable circumstances, the fortifications of the chief cities were regarded as impregnable; and, as commerce supplied them in abundance with all sorts of provisions, we need not be surprised that Lubeck alone could sus-

tain a war with the neighbouring monarchs, and conclude them with equal honour and advantage; still less that the league should have exhibited so decided a preponderance in the North." *

For the exercise of their traffic the league had four grand emporia, each of which commanded the markets of a wide extent of region. Poland, Prussia, Livonia, Russia, Asia Minor, and Persia depended on Novogrod, and afterwards on Narva: England, Ireland, and Scotland on London; Denmark, Norway, and Sweden on Bergen; the Netherlands, Germany, France, Spain, Portugal, Italy, and Hungary on Bruges, and afterwards Antwerp. 1. *Novogrod* was long the most celebrated emporium in Europe. In the eleventh century the inhabitants obtained from their grand dukes considerable privileges, which they made the foundation of further demands, until, in the thirteenth, the city was virtually independent of the state. Fortified by impregnable works, filled with a vast population abundantly supplied with resources, and animated by the most ardent spirit not merely of liberty, but of aggrandisement, well might this city bid defiance to the petty descendants of Ruric. Frequented by traders from Ireland to the frontiers of China; exulting in its rules, its spirit, its influence throughout Russia, its bold population, which in the fifteenth century is said to have reached 400,000, we can scarcely wonder that its greatness gave rise to the proverb, "Who can resist God and Novogrod the Great?" But this renowned city could not be exempted from the common fate of democratic institutions. Like the cities of Germany and Italy, it had its factions, its dissensions, its internal

1273 to 1570.

* Adamus Bremensis, Historia Ecclesiastica, passim. Moser, Rise and Decline of the Hanseatic Trade, vol. i. pp. 1—269. Fisher, History of German Commerce, vol. ii. pp. 1—126. Putter, Historical Developement, vol. ii. book iii. chap 1. Æneas Sylvius, De Moribus Germanorum, p. 1055, &c. Ohlenschlager, Urkundenbuch zur Guldenen Bull, N. 49. Schmidt, Histoire des Allemands, tom. vi. p. 74. Sartorius Freybarrn von Waltershausen, Urkundliche Geschichte des Ursprunges der Deutschen Hanse, theil i. pp. 1—300. passim, et Introductio, i—xx.

broils; and it consequently became so weakened as to ensure its subjugation by its nominal rulers, but hereditary enemies, the grand dukes and tsars of Russia. In the reign of Ivan IV. (1534—1580) we find it so far declined from its ancient splendour, that it could not resist the exterminating sword of that monstrous despot. Tver, another city of the Hanseatic league, had a fate equally disastrous. The ruin of both is one of the most extraordinary relations in history; nor will the reader be sorry to see it translated from the national and the only authentic history of Russia.

"At this period, a vagabond named Peter, a native of Volhynia, having received at Novogrod the chastisement due to his misconduct, resolved to be revenged on the inhabitants. Knowing the antipathy which Ivan bore to them, he forged, in the name of the archbishop and pope, a letter addressed to the king of Poland *, which he concealed behind an image of the virgin in the church of St. Sophia; and, escaping to Moscow, he unfolded the pretended conspiracy to the tsar. As so grave a charge required proof, Ivan sent a confidential messenger with the wretch, and, on arriving at Novogrod, the letter was found, containing the submission of the archbishop, the clergy, the chief inhabitants, nay the whole population, to the Polish kingdom. This evidence was enough for the tsar, who at once pronounced the condemnation of the city and all its people, the objects of his suspicion and hatred. In the month of September, 1569, accompanied by his son, by all his court, and his favourite legion †, he left the village of Alexandrovsky. Without passing through Moscow, they proceeded to Klin, the first town on the ancient domain of Tver. Believing that the inhabitants of this province, which his grandfather had subdued, must of necessity be hostile to the domination of Moscow, he gave to his exterminating legion the signal of war, of murder, and pillage, against the peaceful subjects who, unconscious of crime, received him with dutiful loyalty. Immediately the houses and streets were filled with dead bodies; nor were women or children spared. From Klin to beyond Gorodnia, these monsters marched, their naked swords dyed with the blood of the inhabitants on their route; and thus they reached Tver. There, in a narrow cell, was the venerable arch-

* The enemy and even rival of Ivan.

† The Strelitz; a legion consisting of 6000 men, established by the tsar, and entirely devoted to him.

bishop Philip *, constantly praying that richest province, the heart of the tsar. The tyrant had nerro declined like the late, whom he had banished for his gen[illegible]m passions. The whom he now sent his creature, Skuratof, [illegible]avens of the four- asking for his blessing. The old man re[illegible]known to the bless only good men, and for good works; [illegible]oniclers. In cause of the visit, he added with a smile, — "[illegible] pected death; the monarch's will be done!" Frederic III., the miscreant Skuratof suffocated the holy man; and to recover the deed, he declared that Philip had died in his [illegible]nsferred apoplexy. The terrified monks hastily dug a grave [illegible]e the high-altar, into which they laid this venerable head of the Russian church. This secret crime was followed by public ones. Instead of entering Tver, Ivan remained five days in a neighbouring monastery, whilst his licentious soldiery, beginning with the clergy, pillaged the city, and did not leave one house untouched. The more light and precious articles they carried away; what they could not remove they consumed by fire; but their chief pleasure was in torturing, hacking to pieces, or hanging the people. The Polish prisoners of war, confined in that city, were either massacred, or thrust into the Volga through holes made in the ice. The whole country, as far as the lake Ilmen, was devastated with fire and sword. All travellers, all whose habitations lay in the route, were massacred, under the plea that the tsar's expedition was to be kept a profound secret. On the 2d day of January, 1570, the advanced guard entered Novogrod; and its first care was to surround the city with strong barriers, that not a creature might escape. The churches and convents were then closed, the priests and monks were tied together, and he who could not pay twenty rubles was publicly whipt from morning to night. The houses of the principal inhabitants were sealed; the merchants, shopkeepers, and lawyers were fettered, and their families confined to their houses. Silence and terror reigned throughout Novogrod. Unable to divine the cause or the pretext of this proceeding, the citizens, trembling, awaited the arrival of the tsar. On the 6th of the same month Ivan halted with his troops at Goroditch, a village distant two versts from Novogrod. The following day all the ecclesiastics who could not pay the fine were beaten to death with clubs, and their corpses taken to their respective monasteries for sepulture. On the 8th, the tsar, accompanied by his son and his legion, entered the city. The archbishop, with the clergy and the miraculous images, awaited

* The archbishop of Moscow, who long had the courage to reprove the tyrant, was consigned to prison.

broils; and it consecrated bridge, to give him the usual benediction. To ensure its subjugation and of receiving it, he said to the predatory enemies, the cross which thou holdest in thine In the reign of I[illegible]rous weapon, which thou art preparing to far declined from [illegible]art! I know thy traitorous designs, and resist the extern[illegible] people!" After this invective, he or[illegible] and images to be carried into the church of Tver, another here he heard a solemn mass, and prayed with equally disast[illegible] On its conclusion he proceeded to the archextraordi[illegible]nace, sat down to table with his boyards, and began [illegible]; but, suddenly rising, he uttered a frightful howl, and his satellites rushing into the apartment, seized the archbishop, his officers, and servants. Instantly, too, the palace and the cloisters were abandoned to plunder. Soltikof, master of the court ceremonies, and Eustace, the tsar's confessor, did not hesitate to despoil the cathedral of St. Sophia: they carried away its treasures, its sacred vessels, images, and bells. The churches attached to the rich monasteries met with the same fate. After this career of sacrilege began that of murder. Every day from five hundred to a thousand of the inhabitants were dragged before Ivan and his son, and were instantly massacred or tortured to death, or consumed by a combustible composition. Sometimes a number of victims were tied by the head or the feet to sledges, and drawn to the banks of the Volkhof, some parts of which are never frozen in winter. From the bridge which overhangs it, whole families were precipitated into the river: wives with their husbands, mothers with their infants at the breast; whilst soldiers, armed with pikes, lances, and hatchets, sailed in boats to the place, and pierced or hewed to pieces all who rose to the surface. These murderous scenes continued five weeks, and were followed by a general pillage. Accompanied by his legion, Ivan visited all the neighbouring monasteries. Every where the treasures were removed from the churches, the buildings ruined, the horses and cattle destroyed, the corn burnt. Finally, the whole city was thus treated. Passing from street to street, the tsar encouraged his ruffians to assail the houses and shops: the doors or windows were forcibly entered; the silks and furs were thrown to the rabble; the hemp and hides were consumed in heaps by the fire; the wax and tallow were cast into the river. During these transactions, other bands were sent into the neighbouring country, to plunder and murder without distinction of persons or examination of any kind."

After the carnage had continued until the 12th of February, Ivan assembled the chief surviving inha-

bitants, who appeared before him richest province, wasted were they by despair and terro declined like the ing their death. But he addressed them passions. The "Inhabitants of Novogrod, who hav ns of the four- fortune to escape with life, pray that Go known to the a long and happy reign! Pray, too, for onicles. In all faithful servants of Christ,—that, wit Frederic III., may triumph over all our enemies, visible a to recover Now let tears and mourning cease! let all "ansferred hushed! Live and flourish in Novogrod!" Horable quitted the city, but not until he had transmitted his immense plunder to Moscow. The number of victims in Novogrod alone is estimated at 60,000! Of those who survived, the far greater number are believed to have perished by famine, pestilence, or delirium. The city became one vast cemetery. From this blow Novogrod never recovered: its emporium was transferred to Narva; but it had some little trade previous to the foundation of St. Petersburg, when it was entirely ruined.*

2. London, the second great emporium of the league, had a factory at a very early period. The members lived in community: celibacy was obligatory on all of them,—a policy sufficiently characteristic of the prudent managers at Lubeck. They had many privileges and immunities; the duties they paid were few; and they were even entrusted with the custody of the Bishop's Gate, one of the great keys of the city. The factory, which was in Thames Street, was governed by an alderman, two assessors, and nine counsellors,—all Hanse merchants, who were exempted from the jurisdiction of the city magistrates. Over the interests of the body, no less than over those of the confederacy, they watched with jealous care; and so engrossing was their spirit, that, notwithstanding the privileges which they enjoyed, they endeavoured to exclude the English ships from the 1437 to 1680.

* Karamsin, Histoire de Russie, tom. ix. p. 180—188.
The English reader, who is desirous of a further acquaintance with the most extraordinary tyrant in all history, may have his curiosity gratified by an article in the Foreign Quarterly Review, vol. iii. pp. 166—180.

broils; and it consequently employ only their own. In 1447, to ensure its subjugation, the exportation of merchandise in time of hostilitary enemies, t These privileges constituted a monopoly In the reign of judicial to the national interests; but, as far declined from worthless, been purchased from the crown, to resist the extortion exercised with impunity, until the inhabitants of Tver, another began to rise and assail the warehouses equally disastrous. The indignation of the assailants was extraordinary by the belief that these foreigners were guilty of dishonesty in the exercise of their traffic. On one of these occasions, when Edward IV. was compelled to take the part of his people, the foreigners invoked the aid of the confederation; and a war followed, which was any thing but creditable to that worthless sovereign. All English vessels were excluded from the Baltic; and the foreign trade of the country was so much impaired, that Edward was glad, as the condition of peace, not only to renew, but to augment, their immunities. Another insurrection, in the reign of Henry VII., was more successful: the nation had become more enterprising; it had greater capital, and was less dependent on the league. Hence, by that monarch — a complete counterpart to the despicable Edward — the ordinary privileges were considerably circumscribed; and by his immediate successors they were totally abolished. 3. At Bergen, the confederation maintained itself much longer — down to the seventeenth century, when the increasing prosperity of the maritime cities of Europe rendered its union of little avail: its trade was shared — in some places absorbed — by cities which had no wish to join it. In fact, as all the profit was, for Germany alone, patriotism taught the fast rising emporia to oppose its monopoly. 4. But, during its prosperity, the league had no factory so flourishing as that of Bruges: it was the emporium of Southern Europe: and, at a time when navigation was comparatively unknown, — when two seasons were required for a voyage from Italy to the Baltic, — it was found a convenient resting-place, no less than a depôt for merchandise. It became the

richest city, and the Netherlands the richest province, in Europe; but, from its elevation, it declined like the rest, and, like the rest, through its own passions. The violent part which it took in the revolutions of the fourteenth and fifteenth centuries is well known to the reader of Froissart and the subsequent chroniclers. In 1490, it excited the wrath of the emperor Frederic III., and was treated with such severity, as never to recover from the blow. Its trade was gradually transferred to Antwerp; which, indeed, from a more favourable position, and from the enterprise of the Dutch, could not fail to rise. The same causes operated, in a greater or less degree, throughout the league, and greatly retarded its prosperity. But the chief cause of its decline must be sought in the increasing civilisation of mankind; in the greater liberality of governments; in the industry which inevitably follows good order; in the spirit of enterprise which that industry necessarily generates; and, above all, in the jealousy entertained by the other nations of the selfish monopoly of this German confederation. The cities of Holland and Friesland, though members of the league, in the conviction that their individual would be superior to their confederate advantages, renounced the union, and by force of arms opened themselves a passage into the Baltic: the example was followed by the Netherlanders and the English; and, when the Hanse towns of Poland and Prussia found that, without the league, they could maintain a commercial intercourse with these countries, they too seceded from it. Hence it declined through the natural operation of certain causes, rather than from the resistance of hostile nations. In 1630, the members themselves, finding that no advantage resulted from its continuance, refused to renew it; and the colossus fell. Three cities, however, persevered, and still called themselves the Hanse towns, —Lubeck, Hamburg, and Bremen.*

* The authorities for the above paragraph are, the chronicles of the times, with the addition of Pfeffel, Putter, Schmidt, and, above all, Sartorius Freybarrn von Walterhausen, Urkundliche Geschichte des Ursprunges der Deutschen Hanse, theil ii. pp. 1—760. passim.

1273 to 1437. The character, manners, and habits of the nation, during the period before us, offer some interesting objects of contemplation. 1. From the martial disposition of the people, we might infer, that tournaments would be held in high estimation; and from the chroniclers we accordingly find that they were pursued with ardour. To attend them, a journey from city to city, or province to province, was not sufficient: the knight often traversed other countries, to gain celebrity wherever there was a trial of arms. Thus it is related of Baldwin, brother of Heinric VII., that, to be present on such occasions, he travelled from sea to sea, and that, wherever he contended, he acquired honour. And of Robert count palatine it is said, that he had no equal among the princes of the empire; that at any moment he was ready for helmet and shield, to engage in mortal combat; and that he preserved this honourable distinction to the close of life. Mortal, indeed, they would scarcely fail to be, when the weapons were sharp-pointed lances; when the only defence was a shield; and when the two parties on horseback met each other with fury. Albert of Brandenburg was called the German Achilles, because he had jousted *à outrance* no less than seventeen times. Though most great families lost a prince in these cruel pastimes, they were exhibited on every public occasion. They were displayed during the intervals of leisure allowed by the deliberations of a diet: perhaps no diet would have been well attended but for this powerful inducement; and no territorial prince could maintain his dignity, unless he frequently held a tourney. Often the nobles assembled without the formality of a proclamation, and fought *à outrance*, until the greensward was covered with dead bodies. Those of the palatinate, Franconia, Swabia, and Bavaria entered into a league for the express purpose of meeting from time to time to win honour in such combats. At all times, and particularly during the period under consideration, these were severely condemned by the church; but neither the anathemas of councils nor the prohibitions of popes could arrest the

evil. How much more powerful customs than laws—how little the influence of the most potent authority, in opposition to rooted attachment — is evident, from the eagerness with which the German ecclesiastics themselves engaged in tourneys. If occasional instances of the custom are to be found in other countries, — but in many we should have some difficulty in adducing one single instance, — in Germany it was common. In fact, the ecclesiastics of that nation were little better than laymen; they plunged into the vices of the age; they hunted and fought, drank and swore with the best. Nor need this surprise us. The dignities were almost uniformly conferred on the scions of noble families, who embraced the state merely from the worldly inducements it offered. Some chapters were so scrupulous that they would admit no canon who could not show proofs of a nobility both on the paternal and maternal side during four generations. In such elections, merit was the only qualification which was never regarded. A prince or noble proposed his son, or his brother, generally accompanied by a bribe to the electors; and, if the candidate could *read*, no more was required. Sometimes the German prelates did not hesitate to defend the practice of jousting, in opposition to the benevolent views of the popes. Thus, in the fifteenth century, the archbishop of Metz wrote to pope Sixtus that tourneys were laudable, since, by excluding from them all knights whose reputation was stained, they were the auxiliaries of virtue. In fact, those who were notoriously guilty of certain crimes, of sacrilege, murder, incest, rape, &c., were sometimes excluded from the lists; but where half the nobles indulged in open plunder, where predatory expeditions were confounded with chivalry, three at least of these crimes must have been common enough. And as to some other disqualifications, — adultery, abduction, conspiracy, disloyalty, stealing, &c.—who on earth could have enforced them against a whole body? The truth is, that, though such prohibitions were admitted to be a part of the chivalrous code, nobody

scrupled to violate them when they could do so without fear of consequences. To a certain extent, however, they would encourage outward decency; since to be accused of such crimes, and thereby excluded from the lists, would have been the greatest misfortune that could have befallen a noble. So far tourneys were a good; and there was another, a much greater,—the military spirit which they fostered and preserved. Of that spirit we have a graphic description in a very pleasing writer, Æneas Sylvius: —

"In Germany, the boys learn to mount a horse before they can speak; with whatever rapidity the animal gallops, they preserve a steady seat; they carry the lances of their masters or lords behind them; insensible to heat and cold, they are daunted by no fatigue. No horseman of Swabia or Franconia would think of riding out without his arms; which, indeed, every German bears as easily as the members of his own body. And, not only the nobles, but even the lower citizens, have armouries in their houses; and, the moment they hear a tumult in the streets, they hasten with their weapons. The dexterity with which they govern their horses, bend the bow, handle the lance or sword, hold the shield, and cast their missiles of any description, is astonishing, and almost incredible. They who have seen the military manufactories of the Germans must smile at those of other nations."

If the native chroniclers are to be believed, though the German adventurers won honour in foreign tourneys, seldom did a foreigner win much in Germany.* It is allowed, however, that don Juan de Merlo, a Spanish knight, obtained at Basle, in 1428, a decided advantage over Heinrich de Ramstein, one of the most valiant of German knights.*

1273 to 1437. But with all this parade of chivalry, highway robbery appears to have been as flourishing as ever. Campanus, the apostolic nuncio, does not hesitate to call the whole country one vast den of robbers; and the greater the thief,

* Gesta Baldwini, p. 112. (apud Baluzium, Miscellanea, lib. i.). Limburg Chronik, p. 14. Gudenus, Diplomata. iv. 452. Æneas Sylvius, De Moribus German. p. 1058. Wurtzheim, Chronik, p. 247. Schmidt, Histoire des Allemands, tom. v. p. 483, &c.

the greater the noble.* Though this is a monstrous exaggeration, we may repeat the observation we have before made — that exaggeration proves the fact. "In Germany," says Poggio Bracciolini†, "every man who lives on his own property in some burg or village remote from the towns, is called a noble. Of this class a great number are addicted to open robbery." Æneas Sylvius is much too favourable to the national character, when he says, "that though robberies still existed, the evil was nothing in comparison of former times." That in the fifteenth century the evil was much less than in the fourteenth, may be admitted; but it was still so considerable, as to call forth the lamentations of emperor and diet, and to cover the nation with dishonour. In fact, the very constitution of Germanic society rendered frequent plunder inevitable. The right of diffidation, which enabled either an individual or a body to challenge another, and to invade each other's territory, was sanctioned by the laws. Willingly would the emperors and electors have entirely prohibited these private wars; but prohibition, without the authority necessary to enforce it, would only have rendered them ridiculous. All that they could do, was to enact that no private war should be considered legal, unless, three days before hostilities commenced, an act of defiance were formally made in presence of the party challenged; in other words, that no knight or body of knights, no city or confederation of cities, should wage war without a previous declaration of three days. When civil strife was thus sanctioned, when the house or domain of one man was assailed by another, plunder could not be avoided — especially as, in a majority of cases, it was the leading object of the aggressor. But a multitude (*ingens numerus*) of nobles were not *occa-*

* "Sed ea (Germania) tota nunc unum latrocinium est, et ille inter nobiles gloriosior qui rapacior."

† The life of this elegant scholar is still a desideratum in our literature. If properly treated, it would throw great light on the intellectual character of the period, and explain the means by which the slumbering mind of Europe was roused. There is, indeed, a life of him; but it is lamentably unworthy of the subject — a subject which demands the pen of a scholar and a philosopher.

sional bandits; the whole of their existence was passed in plunder; it was a profession which they had received from their fathers, and to the exercise of which they attached honour. "They changed," says a celebrated national historian, "the meaning of words: the nobles called *chivalry* what the common people called *robbery*. To follow chivalry, to live by industry, meant neither more nor less than to live by plunder. In the estimation of the nobles, simple theft was certainly odious; but only so because it involved the suspicion of fear or weakness. Many believed that the possession of a castle authorised them to seize every traveller that passed, and with him either the whole or a considerable portion of what he happened to carry with him; nor was he suffered to depart without ransom." In fact, all these castles had dungeons expressly provided for the reception of persons who were thus caught, and who were detained until their ransom was brought. In a multitude of cases, strong fortresses were erected for the very purpose; and those places which were most likely to be well frequented by travellers were carefully selected. All the Germanic laws, from the eleventh to the fifteenth century, are filled with complaints of this evil; but though, at the instance of the emperors, diet after diet enacted that henceforth no castle should be built without the express sanction of the territorial prince, or the provincial states, no regard whatever was paid to the prohibition. The temporal, nay, even the ecclesiastical electors, violated the law which they had been induced to sanction. Thus, an archbishop of Metz, having constructed a castle, and placed a garrison in it, to the demand of the castellan how the men were to be supported, merely pointed to four roads which joined in the neighbourhood. To lessen the odium, however, with which *foreigners* might regard the system — the pretext could not possibly impose on any *native* — another name could easily be given to it. Thus, *transit duty! passage money!* were terms which, where any landed gentleman considered himself a sovereign, might well spread

delusion as to the real character of the system. In the fifteenth century, however, as we have admitted, the evil was less general. One cause of the improvement must be sought in the commercial spirit of the period, especially in that of the Hanse league. Convoys were provided for merchandise; the nobles of each district through which it was to pass, were ready enough to escort it; and, as the more frequent the traffic, the greater their profit, they were generally willing to preserve the peace of the highways. But many scorned to exercise what they regarded as an ignoble employment; and from their strong holds they rushed indiscriminately on noble or merchant, ecclesiastic or peasant.*

If Germany vindicated its ancient and imprescriptible right to fight and plunder, it was still more eager to maintain its superiority over the cups. Habit, as is candidly allowed by several of its best writers, had rendered drunkenness a second nature. He who could drink the most without falling on the floor, was universally honoured. Entertainments were perpetually held for the express purpose of ascertaining who could longest sustain his part while the goblet circulated. He who left a bottle antagonist sprawling on the ground, was as much entitled to boast as if he had gained a victory in the field. In this, as in a more important respect, Frederic II. seems to have been a hero. If we may be allowed to anticipate half a century, we may observe, that Maximilian I. was also the first emperor of Germany that held drunkenness in detestation. By living amongst foreigners, he had learned the habit of sobriety; which he thought of so much importance, that he deliberately proposed it to several diets, especially to that of Worms in 1495. To please him, the electors and princes promised that they would not suffer any

* Freherus, Scriptores Rerum Germanicarum, vol. ii. p. 264. Æneas Sylvius, De Moribus Germanorum, p. 109. Poggio Bracciolini, apud Petron de Audlo, De Imperio Romano, lib. ii. cap. 2. Gesta Baldewini, Archiepiscopi Trevirensis (apud Baluzium, lib. i. p. 106.). Schmidt, Histoire des Allemands, vol. v. p. 489, &c.

future debauchery wherever their influence extended; but that the engagement was not meant to be binding, — in fact who was to enforce it? — appears from the complaints which in the following years were levelled at this vice. In another diet, the magistrates were enjoined to prevent the convivial entertainments which prevailed, and which, as experience always proved, degenerated into beastliness. Much of the abuse was said, and doubtless with great truth, to arise from the pernicious custom of drinking healths, — a custom recently introduced, but one that had marvellous charms for the people. Apparently, however, it was now in some provinces only, — in Franconia, the Palatinate, Swabia, and Bavaria; for the prohibition applied only to the places where it was not old and generally received. In the rest of the empire, as one of the German historians observes, where it was consecrated by length of time, the people were still allowed to get drunk with impunity. Germany has never been much celebrated for wit; but this distinction between the old and new drinkers was too ridiculous not to create mirth. To console the people of these four provinces, one man produced a letter, which he pretended came from the regions below. It bade them be of good cheer, since the odious distinction between the old and the new tipplers must necessarily be short; that the former would soon die, and that the latter, on becoming old, would be legally entitled to the same privilege of pledging healths. The writers, who were Satan's goodly throng, contended that the emperor could not possibly be serious in his condemnation of a custom which had so long flourished at court; and that there would be time enough to obey the ordinance when the courtiers set the example. They added, that if the nobles were forbidden to indulge over their cups, they would readily find some other means of amusement that would probably be much less agreeable to the emperor and princes. With *them*, as it was wisely suggested, the reform should commence. While these latter were intent on restraining the enjoy-

ments of the inferior classes, they reserved a comfortable latitude for their own. Subsequently, the poor were commanded, the nobles were exhorted, to abandon the custom of pledges, except where it was so consecrated by usage that it could not be neglected. That these prohibitions were unavailing, is plain from the celebrated expression of Martin Luther — that drunkenness will continue to be the German's besetting sin to the day of judgment. Every nation, he adds, has its peculiar demon; and that of Germany is the demon of intoxication.*

We shall finish this sketch of the social state of Germany, by adverting to such of its codes as are more worthy of notice. And to connect the subject with our preceding remarks, we must, for a few pages, take a retrospective glance, beginning where we before ended, — at the extinction of the Carlovingian dynasty.†

The fall of that dynasty did not occasion the ruin of the national laws, which still subsisted in the various provinces or tribes for whose use they had been promulgated. But every reign appears to have made some alteration in or addition to some one of the codes; so as in time considerably to modify its character, though the fundamental principles remained. Thus the Saxon law was augmented by the emperors of that nation ‡; and by Harold of Denmark, who, in the time of the second Otho, held much of northern Germany, it was modified no less than augmented.§ At a subsequent period, however, these additions appear to have been expunged, or to have been incorporated under some other name.‖ And under the Othos, though we perceive no traces of the Roman, we clearly see those of the

911 to 1437

* Celtes, Urbis Norimbergi Descriptio, p. 37. Senkenberg, Royal Archives, vol. ii. p. 26. Hans von Schwartzenburg, Buchle wieder das Zuttinken, præfatio, et p. 90. Putter, Deutsche Reichsgeschichte in ihrem Hauptfaden, p. 390. Schmidt, Histoire, p. 494—499.

† See Vol. I. p. 98.

‡ Witikind, Annales, lib. ii. p. 21. Stangefolius, Annales Westphaliæ, lib. ii. p. 185. 203.

§ Helmoldus, Chronica Slavorum, lib. i. cap. 15.

‖ Heineccius, Historia Juris, lib. ii. cap. 2.

canon law, the adoption of which was absolutely necessary to supply the imperfections of the national codes. Thus, in 906, the historian Rhegino, monk of Prum, compiled, at the instigation of Radbod archbishop of Treves, two books, *De Disciplina Ecclesiastica*, the materials of which he derived from the decrees of popes, the canons of councils, and from the knavish or ignorant work of Isidore.* Under the Franconian emperors, we also perceive, the native laws continued to flourish. Those of the Saxons, Swabians, and Bavarians, in particular, are mentioned.† Equally, too, do we behold additions made to the preceding stock, especially by Conrad the Salic, and his successors the three Heinrics.‡ Yet none of these alterations or additions appear to have visibly affected the character of Germanic jurisprudence. But from the reign of Lother II., we distinctly recognise a change, not so much in the character of the native codes, as in their supersession in some instances by the Roman law. That, in the twelfth century, this law was partially received in England, France, Burgundy, and Spain, is evident from the chroniclers of those nations; and though its existence is but feebly discerned in Germany, by inference, at least, we may satisfy ourselves of the fact.§ This century, too, witnessed the compilation of Gratian's famous *Decretum*, which the popes sedulously endeavoured to introduce among all the European nations.‖ If the fact of appeals to the Roman civil code can be established so early as the twelfth, they must be much more apparent in the thirteenth century. Numerous, indeed, are the examples that have been adduced in its proof; and an equal number exist to prove the prevalence of the canon

* Sigebertus Gemblacensis, De Scriptoribus Ecclesiasticis, cap. 141.; necnon, Chronicon ejus, A. D. 1008.

† Wippo, Vita Chunradi Salici, p. 430. Heineccius, Historia Juris, ubi suprà.

‡ Martinus Polonus, Chronicon, cap. 94. Lex Longobardica, lib. iii. tit. viii. cap. 4. Schilterus, Jus Feudale Alamannicum, tom. viii. p. 2. Goldastus, Constitutiones Imperii, tom. iii. p. 312.

§ Heineccius, Historia Juris, lib. ii. cap. 3. §§ 55—59

‖ Maestricht, Historia Juris Ecclesiastici, § 318. Chiffletius, Dissertatio Apologetica, cap. 5.

law in the ecclesiastical tribunals.* But if, in the twelfth, the fact in question is established rather by inference than by authority; if, in the thirteenth, it is more evident; in the fourteenth it is abundantly clear from innumerable passages of the chroniclers. *Now* we recognise the formal distinction between the *legistæ*, who pleaded from the Justinian code, and the *canonistæ*, who were led by the authority of Gratian.† In many instances we find the terms more explicit; the former being designated by *juris civilis vel Cæsarei*, the latter by *juris pontificii, professores*; and sometimes there is a distinct mention of the lawyers who were professionally eminent in both — *utriusque juris doctores*.‡ Through the care of the pontiffs, new papal decrees were added to and incorporated with the code of Gratian. Thus, Raymundo de Penaforte was employed by Gregory IX. to amplify the collection of that celebrated man, — a duty which the Spaniard performed without much regard to the spirit of criticism.§ We must, however, observe, that the German jurisconsults were generally favourable to the foreign codes. Their object was twofold; — to supply by their aid the defects of the native law; and where the Germanic penalty was confessedly inadequate, or through the lapse of ages no longer applicable, to invoke the more severe or more convenient provisions of the Romans.‖ And even in this sense, considerable opposition was made by many native jurists and judges to the innovation. They admitted the imperfection of the Germanic system; but they contended, with great truth, that, *as a basis*, it was much better adapted to the

* Heineccius, Historia Juris, § 63. Struvius, Historia Juris, lib. vi. cap. 39.

† Arnoldus Lubecensis, Chronicon Slavorum, lib. iii. cap. 10. Leibnitz, Codex Juris Gentium, pars i. p. 16. Gesta Baldewini, lib. i. cap. 12. Trithemius, Chronicon Hirsaugense, A. D. 1333. Guichenau, Bibliotheca Sebusiana, cent. ii. n 18.

‡ Goldasti Constitutiones Imperii, tom. iii. p. 409. Heineccius, Historia Juris, lib. ii. § 68.

§ Matthæus Parisiensis, Historia, A. D. 1235. Chiffletius, De Utriusque Juris Architecturâ, cap 6.

‖ Heineccius, ubi suprà, § 70.

manners, habits, and opinions of the people, than any foreign code could possibly be; and that any defects which experience might discover, might be remedied by native enactments. Their representations had such weight, that the emperors and the diet proceeded, as opportunity served, to make the additions required; and it was decreed that *omnia jura a Carolo Magno instituta observarentur.** Of the additions made at various times by the Franconian emperors, we have abundant testimony.† But the most incontrovertible evidence is to be found in the fact, that at this period the provincial laws were translated into the Teutonic dialects, so as to be understood by all.‡ Henceforward we find several of these provincial codes, the respective antiquity of which is not easy to be ascertained; for, though we may form a probable conjecture as to the period when the present written collections were invoked in the tribunals, we cannot well determine whether they were *the first*—whether they were not founded on preceding collections even in the native dialect. As the Latin language declined, the dialects of Germany must surely have found their way into the tribunals.§—Of the written codes now extant, the *Speculum Saxonicum*, though not the most ancient, deserves the first notice; it was compiled in the earlier part of the thirteenth century.|| The compiler, Repkovius, is praised for the industry which he exhibited; but that it was superior to his judgment, is evident from the conceits, often the puerilities, which he has interspersed. Some few things, too, he borrowed from the civil code; or, perhaps, as he found them recognised by precedent, he transferred them to his collection. He himself tells us that it was first collected in Latin, and

* Godofredus, Chronicon, A. D. 1208, 1225.

† Radevicus, De Gestis Friderici I. lib. ii. cap. 7. Chronicon Urspergense, A. D. 1187. Goldastus, Constitutiones Imperiales, tom. iii p 371.

‡ Proemium Speculi Saxonici, § 12. Heineccius, Historia Juris, lib. ii. cap. 3. § 73.

§ Heineccius, ubi suprà.

|| Beckmann, Historia Anhalt. pars iii. lib. ii. p. 213. Lenkfeld, Antiquitatus Fuldenses, p. 218.

that the task of translating it into Teutonic was one of much difficulty. This statement is credible enough: the native language was poor in expressing the relations of ancient life, and even the ordinary course of proceeding in modern suits, before appropriate terms were transferred from other tongues, and the judicial system was thoroughly invested in the vernacular garb. What is certain is, that the compilation in question was received by the whole of East Frisia and of Lower Saxony, and by several of the Slavonic tribes.* Hence the expression so frequent in the chronicles and the laws,— "the natives subject to the Saxon law." But this code, conversant chiefly with the crimes and punishments applicable to the great bulk of the people, does not determine the relations of life — those especially which regarded the superior and his vassal, with the interminable obligations, duties, privileges, and rights of both. Yet in an age peculiarly feudal, such a code could not be wanting; and we accordingly find, that for the same province, probably by the same authority, Repkovius, the *Jus Feudale Saxonicum* was published. There is reason to believe that it was originally designed as a continuation of the *Speculum,* of which some MSS. designate it as the fourth book.† Some provisions of both, where, for instance, the civil feudal rights of the clergy were concerned, were not very agreeable to the popes; but, on the other hand, they were received with such applause, not merely by Lower Saxony, but by Misnia, Thuringia, the March (Brandenburg), Lusatia, Alsace, Silesia, Brunswick, Anhalt, and even by Bohemia, Prussia, Poland, Denmark, and Transylvania, that all opposition from that quarter was useless.‡ We do not mean to assert that they were *integrally* received into some of these countries, but

* Conringius, De Origine Juris Germanici, cap. 30. Heineccius, Historia Juris, §§ 74, 75. Repkovius, Præfatio Rhythmica Speculi Saxonici, et Speculum, lib. ii. art. 63.; lib. i. art 37.; lib. ii. art. 56.

† Ludovicus, Prolegomena in Jus Feudale Saxonicum. Struvius, Historia Juris, lib. viii. cap. 16.

‡ Heineccius, Historia Juris, lib. ii. § 79.

rather as supplementary of the native codes. In reality, they contained many decisions which could not elsewhere be sought; many too, which, from their better adaptation to the relations of feudality, were hailed as salutary improvements. Connected with the two preceding codes is the *Jus Weichbildicum*, or, as it is sometimes termed, the *Jus Municipale Magdeburgicum*, from its authority in that diocese. Its age may be referred to the close of the thirteenth century; and it is the more celebrated, as it unquestionably led to the compilation of other urban collections, — to the statutes of particular cities and districts, which may be regarded as supplementary to the provincial codes.* The relations of life in the rural world would, of necessity, vary from those in municipal communities; and we know that the extraordinary concessions originally granted to the settlers in towns laid the foundation of a more liberal legislation.— Equally celebrated, though not equally extensive, with the Saxon laws, were those of Swabia. The *Speculum Suevicum*, or, as it is often called, the *Jus Provinciale Suevicum*, may be satisfactorily referred to the latter half of the thirteenth century.† It, too, has received no slight praise from native jurists, — *juris Germanici thesaurus egregius*; and of its general affinity to the Saxon code, — an affinity of spirit, not of form, — a slight inspection will afford proof. Like the former, it contains many passages from the civil code; but its basis is essentially different. As the former, too, bears the impress of the ancient *Lex Saxonica* as promulgated by Charlemagne; so does the latter of the equally ancient *Lex Alamannica*. In Swabia, as in Saxony, the *Speculum* was followed by the *Jus Feudale*, probably compiled by the same hand.‡ From this period a great number of local codes successively start into existence; all inferior in importance, and much less general in

* Ludovicus, Prologomena in Jus Weichbildicum, § 16.
† Heineccius, lib. ii. § 80.
‡ Schilterus, Commentarium in Jus Feudale. Heineccius, Historia Juris, lib. ii. § 83.

their application, but all equally obligatory within their respective districts. Such were the *Jus Provinciale Austriacum*, which has been referred to the year 1190, but which is probably a century more recent[1]; the *Jus Provinciale Bavaricum*, anno 1347[2]; the *Leges Tyrolenses*, promulgated by duke Leopold of Austria in 1390[3]; and the *Stadensium Statuta*, which are apparently of the fourteenth century.[4] All these are written in the vernacular dialect; all, probably, were compiled through jealousy of the Roman law, which the emperors were as eager to introduce into the civil, as the popes were the collection of Gratian into the ecclesiastical, tribunals of the empire. In this patriotic struggle *ne jura peregrina in mœnia sua reciperentur*, the cities distinguished themselves far more than the provinces. And this is equally true of all the municipal towns, — of those situated in the territory of the princes, no less than of the imperial cities.[5] In general, the statutes adopted by the chief city of each province were received by the inferior towns; and appeals carried from the latter to the tribunals of the former.[6] Without entering into a subject so interminable as the origin, progress, and character of these local judicial collections, we may observe that the fourteenth century gave rise to most of them. Of these, the *Jus Susatense* was so celebrated, that it was eagerly adopted by several municipalities, which solicited it from the emperors.[7] On it were certainly founded the statutes of Lubeck (*Jus Lubecense*)[8] and those of Hamburg (*Statuta Hamburgensia*), which are, in fact, nearly identical.[9] The *Jus Lubecense*, however, was of more extensive obligation than that of Hamburg,

[1] Ludwig, Reliquiæ, tom. iv. p. 1190, &c.
[2] Lambecius, Bibliotheca Vindobensis, vol. ii. p. 8.
[3] Hundius, Metropolis Salisburgensis, vol. i. p. 450.
[4] Heineccius, Historia Juris, lib ii. § 84.
[5] Struvius, Historia Juris, lib. vi. cap. 27.
[6] Heineccius, ubi suprà.
[7] Arnoldus Lubecensis, Chronicon Slavorum, lib. ii. cap. 35. Meibomius, Introductio ad Historiam Saxoniæ Inferioris, p. 81.
[8] Arnoldus, Meibomius, ubi suprà.
[9] Heineccius, Historia Juris, lib. ii. § 89.

since it was adopted by several municipalities in Alsace, Slavonia, Pomerania, Lower Saxony, Prussia, and Livonia.* Cologne and Aix-la-Chapelle had their local statutes as early as the thirteenth century†; Fribourg, Goslar, Bremen, and Brunswick, in the same or in the following century.‡ But if the progress of the Roman law was thus arrested by the provinces and cities, in the fourteenth and fifteenth centuries several circumstances contributed to its diffusion. Of these the most influential was the creation of the German universities. The learned of other countries — the scholars of Spain, Italy, and France in particular — had, from the recovery of the Pandects, regarded the civil law as the noblest object for the exercise of the intellect; and all other codes as worthy only of a barbarous age. The same prejudice soon crossed the Alps, and reigned at Prague, Vienna, Erfurt, Heidelberg, or Ingolstadt — universities founded in the fourteenth century — as much as at Bologna or Salamanca.§ The students in the canon and civil law well knew where preferment was to be sought; and they frequented the palace of the emperors with a contempt of the native and an admiration of the foreign jurisprudence, that could not fail to render them favourites at court.‖ The maxims of passive obedience involved in the latter, its tendency to exalt the imperial prerogatives, were peculiarly grateful to sovereigns whose functions had been usurped by the territorial nobles. Nor were the electors, or the reigning princes, less willing to fortify their authority by the same policy; and they held out to the professors the same inducements. In *their* courts, like that of the emperor, these jurists were constantly resident, eager to withdraw every dispute from the decisions of the native

* Sibrandus, ad Jus Lubecense, para. i. sect. 5. &c. Hartknoch, Dissertationes de Jure Prussiæ, § 14.

† Heineccius, Historia Juris, lib. ii. § 91.

‡ Antiquitates Goslarienses, tom. iv. p. 362. Leibnitz, Scriptores Rerum Brunswicarum, tom. iii. p. 434. 484, &c.

§ Conringius, De Origine Juris Germanici, cap. 24. Heineccius, Historia, lib. ii. cap. 4. § 96.

‖ Dubravius, Historia Bohemica, lib. xxii.

codes.* As all the Germanic sovereigns were thus disposed, we cannot be surprised that many of the imperial decrees, as sanctioned by the diets, were based on the Roman jurisprudence.† Not that the innovation was patiently witnessed by the territorial princes, who were not slow to perceive that, while it augmented the power of the electors, it proportionately diminished their own: that the resistance was often effectual; that it even threatened the safety of the rival code, is evident from the chroniclers of the fifteenth century. In 1441, the princes insisted that the faculties of canon and civil law should be utterly abolished throughout Germany.‡ But the demand was somehow evaded, probably by postponement, and the foreign jurisprudence continued to flourish. At the close of the fifteenth and commencement of the sixteenth century, the Roman law was formally introduced into the tribunals; professedly, indeed, as supplementary to the native, but, in reality, to supersede it whenever the attempt could be safely made.§ And, from the reign of Maximilian I., the imperial decrees, though sanctioned by the diet, are more fully pervaded by the Roman spirit: many of them, in fact, are direct applications of the Roman laws to the cases submitted. By Charles V. the policy of his immediate predecessors was more effectually followed; and most of his decisions were founded on the principles of the Roman jurisprudence.|| There was long a moral struggle between the two systems of jurisprudence; and in it —

"The legists zealously and not unsuccessfully laboured, 'ut jus patrium magis magisque supprimeretur.' They soon multiplied even in the provincial states — in the courts of the Germanic electors and princes; in several they produced a complete revolution both in the laws and the forms of process. Thus Frisia, Brandenburg, Brunswick, and Lunenburg, absolutely forsook their native laws for those of Rome. But, on

* Goldastus, Constitutiones Imperii, tom. i. p. 217.
† Ibid. tom. i. p. 188. Heineccius, Historia, § 99.
‡ Heineccius, Historia, lib. ii. § 100. § Ibid. § 101, 102.
|| Ibid. § 104.

the other hand, other states adhered with unshaken pertinacity to the Germanic system. About the middle of the fifteenth century, they urged Frederic III wholly to abolish the hateful foreign jurisprudence — to forbid, under rigorous penalties, every doctor from professing it, every tribunal from appealing to its provisions. With what little effect such a demand was made, appeared towards the close of the same century, when the diet of Worms sanctioned many decrees which directly tended to its exaltation over its rival. Subsequently the imperial constitutions and rescripts published in furtherance of the object proposed by the emperors, and approved by the diets, tended still more widely to spread the same spirit. In tribunals, however, of the first instance—except when, as before mentioned, the Roman jurisprudence alone was recognised — the Germanic codes were in full vigour; nor was a foreign law admitted, except in cases — and certainly there were many such — where no provision existed in the native collections." *

Besides the preceding, there are other collections, of which, however, as they were confined to inaccessible or obscure tracts, we shall notice those only relating to Frisia. The *Vetus Jus Frisicum*, first published in 1781, is said to be of equal antiquity with Charlemagne. No assertion could be more absurd: internal evidence alone would prove that it cannot be older than the thirteenth century. The state of society which the seventeen laws contained in it exhibit, is of undoubted antiquity; and for this reason they may be regarded as modifications of others more ancient; but the degree of antiquity does not approach any thing near that claimed by the *Lex Frisionum*.†

" It exists in Frisian, as well as in Latin: but the Latin text is a translation, or rather an abridged paraphrase. Legislation by petition and answer appears peculiar to governments where the legislative authority was divided between a monarch and the representatives of his people. If the ' Vetus Jus Frisicum,' as the Latin text is entitled, be a supposititious record, it is yet of very ancient date; it was composed at a period when the emperors were directly recognised, and when it was desirable to produce a code imposing limits on their authority.

* Europe during the Middle Ages, vol. ii. p. 125.
† See page 90.

But in the thirteenth century their pretensions were obsolete, and wholly disregarded, as is proved by the law of Brokmerland, in which the Frisians act and enact solely by their own authority. The first *Liudkest* relates to the security of property. '*Petitio I.* Hæc est prima petitio, et Karoli Regis * concessio omnibus Frisonibus, quod universi rebus propriis utantur, quamdiu non demeruerunt possidere.' This is farther enforced by the third article, that 'each man is to hold his fee unless he is cast by pleading and with proof according to law.' By the seventh article of the Frisian text, 'the Frisons claim free speech and free answer, and a free judgment seat.' Their services are defined by the tenth article with cautious accuracy, and expressed in poetical phraseology. Neither in peace nor in war are they 'to follow the kings ban or bidding beyond the Flye towards the west, and the Weser towards the east; south to the German marshes; and north to the sea, out with the ebb, and in with the flood.' And it is the duty of each Frison to keep 'the sea-wall which encircles the land like a golden hoop,' and guard it against the waves; and he is to oppose the encroachment of the raging sea with three tools, — 'with the spade, and with the fork, and with the hod;' and 'with the point of the lance, and the edge of the sword, and the brown coat of mail.' He is also to 'defend the land against the Southern Saxon and the Northman — against the tall helmet, and the red shield, and the unrighteous might. And thus shall we Frisons hold our land within and without, if *they* will help us, — God and St. Peter!' The Frisons were constantly exposed to the attacks of the elements and the enemy. Floods desolated the land; extensive provinces were washed away; and the neighbouring potentates, particularly the counts of Holland, attempted repeatedly to become the lords of Friesland; and Rodolf of Hapsburg, and his successors, supported their pretensions, as the means of reuniting Friesland to the empire." †

Again, with regard to the *Asega* book, — a collection that is pretended, with equal error, to be as ancient as the preceding, — we may extract something worth notice.

"The Frisian laws lay down the rights of property in the following words: — 'This is the first right of all Frisians,—

* It could not be any sovereign of the name of Charles; but if the *authority* be forged, the *laws* are Germanic.

† Edinburgh Review, No. lxiii. p. 21.

On this subject, as we have not before us any of the Frisian collections subsequent to the ancient *Lex Frisionum*, we must be satisfied with quoting from others. In this country they are not to be procured. For this reason, however, we should not dwell on it, were it not closely connected with our ancient Saxon constitution

that every man possess his own goods, and of his own hewings be unrobbed.' And their definition of morality is sweeping enough: 'This is proper for all lands,—that no man evil do.' —Some of the laws are amusingly put: 'If Peter means to smite Paul with a stick or a stone, and Paul run away, and Peter follow him, and Paul stumble and break his leg, then shall Peter be held guilty, because he did that which behoved him not to do.' These are the occasions on which permission is given to break through the church door, without the authority of the bishop. 1. When a woman is abused in the church. 2. When a man is dying, and asks for extreme unction. 3. When the key is lost when a child is brought to be baptised. The law against unpremeditated parricide or fratricide sounds awfully both for its piety and its punishment. 'If a man in a passionate mood shall smite his father or his mother, his brother or his sister, to death, to him shall no priest write, but long as he lives shall he wander, and weep, and fast: or he shall abandon this beautiful world for ever; he shall go to a cloister, become the servant of the abbot, and do as it shall be commanded him; but never more shall he enter the house of God with other Christian people; he must stand behind the door and supplicate for the mercy of Christ our Lord.' Some of the laws are poetical in their composition as well as humane in their character; for instance, that for the orphan which has lost its father. 'The third necessity is—If the child is stark naked, and houseless, and exposed to the dew or the mist, or the cold winter—and every man goeth to his garden, or into his house, or to his own corner, as the wild beast seeks the hollow tree and the shelter of the mountains to protect its life—while the yearless child cries and weeps, mourning its nakedness and homelessness; and its father, who should have screened it from hunger and the winter's cold damps, lies deep and dark under four nails, and under oak, and under earth concealed and covered; then must the mother sell and dispose so much of her child's possessions, and watch over it so long as it is young, so that frost and hunger may not destroy it."*

While on the subject of Friesland, we may show, in a few words, that its ancient constitution and state of society had some striking peculiarities.

"Free Friesland was divided into seven *Sea-lands*, or provinces, obviously so called because they were bounded by the

* Foreign Quarterly Review, No. vi. p. 613.

sea; and the sea-lands were subdivided into several smaller districts, or shires, which, in respect to the management of their internal affairs, were wholly independent of each other. In each of these districts, the powers of legislation and of judicature were vested in the *Ghemena-mente*, or *Meene-mente;* in the commonalty or in the land-owners assembled in the *Liodthing*, a meeting strictly corresponding to the Saxon folkmote. The liodthing met at stated times as a matter of course; but when the commons were summoned for any particular purpose, the assembly took the name of the *Bodthing*.* The bodthing was called for the purpose of passing judgment in cases of urgent necessity. Under the imperial government, the court of each district or shire held a bodthing every fourth year, in the nature of an assembly of provincial estates. And the same name was also anciently applied to the general assembly of the representatives of the Frisons, when summoned by the emperors." †

"The liberties of the Frisian people were watched with great jealousy. Thus it was the law of Brokmerland, that no man might build towers or strong walls, or live in a house higher than twelve feet beneath the roof; and all buildings of stone, save convents and 'the houses of God,' were utterly forbidden. Brokmerland was divided into four quarters. Rustringia and Hunsingoe were also divided in the same manner. This we learn from their custumals; and we may conclude that a similar organisation prevailed in every shire or district of sufficient extent. The meene-mente, or land-owners of every hamlet, chose their own *Redieva* or *Reeve*, whose authority was confined to the little district which elected him. The landholders of all the hamlets contained in each fardingdeal, or quarter, assembled, or resolved themselves into a quarter liodthing, where they elected a capital redieva, the chief judicial officer of the quarter, who held his office during a year, and who was also the representative or deputy of the meene-mente, in the general council or parliament of Friesland. These capital reeves decided smaller matters of their own authority; subject, however, to an appeal to the *Smela-warf*, or sessions, or full bench of the reeves of the shire; and from this court a second appeal could be had to the meene-mente, assembled in the liodthing or bodthing."—"The meene-mente of the four quarters resolved themselves twice a year into a general assembly or folkmote of Brokmerland, where any disputes between the quarters were decided, and where laws were enacted which were binding throughout the shire. The

* Beda, Ang. Sax. *beodan*, to bid.
† Edinburgh Review, No. lxiii. p. 9.

government of a Frisic shire thus proceeded by a triple gradation of democracies*, each of which possessed its own judicial and executive officers, who also represented the meene-mente, or land-holders, from whom their authority emanated, in the supreme council of the nation. The redieva swore before all the people that he would give help, without fee or reward, unto the poor like as unto the rich, unto his enemy like as unto his friend. This redieva was sometimes called the grietman, but anciently and generally he was known by the name of the asega. The Latin writers translate this title by *judex* or *consul*; and under all those names he appears as the representative of his meene-mente at the parliament of Upstalsboom. The free choice of this officer by the people was, therefore, their most important constitutional privilege; and thus it is ensured to them by their ancient bill of rights, which is said to have been confirmed by Charlemagne, — a document which, if not authentic according to the letter, is certainly so according to the spirit, and at all events of high antiquity. Whilst the imperial authority was acknowledged, the asega took his oath of office before the emperor. 'Ille asega non debet quemquam judicare, nisi plebs eligerit ipsum, et ipse coram imperatore Romano juraverit: tunc tenetur scire omnia jura quæ sunt *Kesta* et *Londruch*, id est petitiones et edicta.' In the same manner they elected the *Aldirmon*, who was an executive officer, nearly corresponding to our sheriff; the *Talemon*, who acted as attorney-general of the people; the *Eedswara*, or inquest man (coroner); and the *Keddar*, *Bannere*, or *Frona*, the summoner, cryer, or beadle."†

"We have seen that the government of each district was vested in the meene-mente, except in matters of minor importance, which were decided by the elected judges, as a permanent and standing body; but the entire commonwealth was governed by its same elected legislators when assembled in a parliament, from which there was no appeal. 'This is the first chosen law of all the Frisons.'—'We come together once a year at Upstalsboom, on Tuesday in the Whitsun week, in order that we may then and there arced the laws which the Frison is to hold. And if any man knoweth how to amend a law, then that we may set the lighter law, and hold to the better law.'"—"Upstalsboom was the *Malberg*, or hill of pleas, of the Frisons. A rising ground near Aurich, planted

* Strange democracy, where half at least of the population were serfs or freedmen; and where, of the other half, the free, viz. those only who possessed land,— were allowed any suffrage! Party spirit *will* pervade every thing.

† Edinburgh Review, No. lxiii. p. 13.

with oak trees, was the spot where the states * assembled from time immemorial. The meene-mente, or commonalty †, were represented by their elected redievas, asegas, or grietmen, whom the Latin historians and records term '*consules terræ*,' or '*jurati*,' and who, annually chosen as the executive authorities of their own immediate districts, became, when assembled, the depositaries of the power of the entire commonwealth."—"The districts or shires of Friesland, being about twenty in number, were considered as composing the seven sea-lands. In some measure, each sea-land had the character of a separate state. The ancient constitution of Friesland is comprised in seven articles. The second provides, 'If any one of the seven sea-lands is attacked, either by the Southern Saxons or the Northmen, then shall the six come unto the help of the seventh, so that they may all do well alike.' But the protection afforded by the commonwealth to each of its members was to be returned by their contributing to the common tranquillity. 'If any one of the seven sea-lands becomes unbuxome, then shall the six rule the seventh, so as that all may fare rightly.' We have no account of the general government of each sea-land; therefore we are not certain that the elected judges of the districts were considered as the provincial states, representing the meene-mente of the sea-land in which they were locally included: yet this is the more probable, because the seven sea-lands elected seven judges, who were the executive authorities of the republic: they directed the affairs of the commonwealth during the intervals of the session of the Upstalsboom parliament, and represented it during the vacation."—"The seven judges of the sea-lands were invested with functions exactly analogous to those of the four judges of Brokmerland, only on a larger scale; and the meene-mente, or commonalty, who assembled in the liodthing, for the purposes of self-rule within their own district, delegated that authority to the judges, who, at Upstalsboom, became the meene-mente of Friesland."‡

But leaving this isolated province, its constitution

* Consisting of three orders,—the nobles, the clergy, and the free landowners. This fact the reviewer would gladly suppress; but it has been established beyond a doubt by the Frisian antiquarians.

† A very loose expression. It does not, as the reviewer would convey, include the general population, but the privileged class only—the allodial proprietors.

‡ Edinburgh Review, No. lxiii. p. 17. The whole article is written in a very unfair spirit; but, except from memory, we have no means of correcting it. *We* are as little admirers of aristocratic privileges as the reviewer, but it would not be difficult to prove that, in the proper sense of the word, there was nothing like democracy in the ancient constitution of Friesland.

and laws, we must devote a few pages to the *Jus Provinciale Suevicum;* both because its spirit is kindred to that of the *Jus Provinciale Saxonicum,* and because it was recognised by the greater part of Upper Germany. So far are we from intending to analyse a code containing near 400 chapters—especially as we have already, in various passages of the present compendium, extracted whatever related to some particular period—that we shall do no more than notice such of its provisions as elucidate the all-important subject of society and manners.—That in a ferocious age, spiritual penalties had little effect, we have frequently shown from the chroniclers. By a law of this code, whoever lies under the ban of the church six weeks and a day, is also subjected to the ban of the secular judge.[1] And by another, whoever is under the ban of the empire the same period of time, is equally subjected to that of the church.[2] Either of these sentences was notoriously insufficient to command obedience; it was hoped that both would bend the stubborn heart; yet nothing is more certain, than that both were often ineffectual. The code makes an important distinction between the three classes of freemen below the rank of territorial princes. There are first the *semper frien,* or always free; and "these are the free lords who have authority over other free men as their vassals."[3] The second class were the *mitter frien*, or middle freemen, the vassals of the first order.[4] The third comprised *fri lantsaezzen,* the free rustic vassals.[5] This distinction is interesting in another respect,—as showing the ascending progress of the lower classes of society, or that of enfranchisement. The lowest of these classes were no longer serfs: they had become free; and to the next higher class, the mitter frien, they could evidently aspire. They could not, however, reach that of the semper frien, who were, in fact, the barons,—men who,

[1] Jus Provinciale Suevicum, cap. i. lib 1.
[2] Ibid. lib. 2.
[3] Ibid. cap. ii. lib. 1.
[4] Ibid. lib. 3.
[5] Ibid. lib. 4.

though they held no official or hereditary dignity, had yet, in virtue of their lands, and of their hereditary descent, a limited territorial jurisdiction. These barons formed the *fourth* great military buckler of the empire (the sovereign being the first, the ecclesiastical princes the second, lay princes the third), while the mitter frien constituted the fifth, and the *ministerales*, or officers in the royal or princely service, were the sixth.[1] (The seventh, as we have before observed, were at length the municipal warriors.) There were many cases in which a son forfeited his inheritance: if he violated his stepmother[2], if he imprisoned his father, and that father died in captivity[3]; if he accused that father of a capital crime[4]; if he boxed him on the ear, or struck him[5]; if he cursed him[6]; if he became a thief or other felon[7]; if he prevented his father from bequeathing his goods to pious uses, or hindered the ministers of religion from approaching his dying couch[8]; if he degraded the dignity of his condition by turning mimic[9]; if he refused to become his father's fidejussor or bondsman for the payment of money[10]; if he refused to deliver him from bondage when he had the power[11]; if, that father being insane, he neglected to maintain and guard him[12]; if through prodigality he wasted more than half his father's substance[13]; the forfeiture was inevitable. The same penalty was incurred by the daughter, who, under the age of twenty, and without the father's consent, sinned with any man.[14]—Some of the feudal regulations are worthy of our admiration. If a lord failed to relieve his vassal (serf) in sickness, or removed him from his home, that vassal became free.[15] And great facilities were afforded to those who wished to enfranchise their *proprii homines*; though the Ro-

[1] Jus Provinciale Suevicum, cap. xvii. lib. 2.
[2] Ibid. lib. 3.
[3] Ibid. lib. 4.
[4] Ibid. lib. 5.
[5] Ibid. lib. 6.
[6] Ibid. lib. 7.
[7] Ibid lib. 8.
[8] Ibid. lib. 9.
[9] Ibid. lib. 10.
[10] Ibid. lib. 11.
[11] Ibid. lib. 12.
[12] Ibid. lib. 13.
[13] Ibid. lib. 14.
[14] Ibid. lib. 15.
[15] Ibid. cap. lii.

man law fixed the age of the lord at twenty, custom reduced it to seventeen[1] in the male, and sixteen in the female.[2] Nor is it less gratifying to see the safeguards which the law placed around the wife, against the tyranny, or dissipation of her husband.[3] And it is equally worthy of remark, that the electors and other territorial princes could not nominate a local judge; but the judge was to be chosen by the suffrage of those among whom he was to administer the laws.[4]

On the crimes which troubled the tranquillity of society, we have often dwelt. The present code has some provisions characteristic enough of the middle ages. Thus, if one man spoil another of his castle, the latter must complain to the king, or the judge of the province; the criminal must be thrice cited; and if he neglect to appear, the judge must arm, and with a strong band assail him in his strong hold.[5] In such cases, the judge previously condemned the edifice by striking it three times; and his followers then proceeded to level it with the ground.[6] So prevalent, however, was civil strife, that it was found necessary to declare the king's peace during four days in the week,—Thursday, Friday, Saturday, and Sunday; and on these days, whoever defied his enemy, or even avenged a wrong, was amenable to the imperial tribunals.[7] Under the shadow of that peace, clergymen, widows, maidens, orphans, merchants, and Jews, continually resided[8]; and it was extended to all who happened to be within churches or cemeteries; to the man at the plough or the mill; to the traveller on the king's highway.[9] But how inefficient such benevolent decrees, we have seen too well. To protect the weaker sex, it was decreed, that if violence were done to a woman in any house, and her cries were heard by two witnesses, the offenders should lose their heads[10]; a

[1] Jus Provinciale Suevicum, cap. liv. lib. 2.
[2] Ibid. lib. 3.
[3] Ibid. cap. lviii.
[4] Ibid. lib. 1.
[5] Ibid. cap. cxxxiv. lib. 1.
[6] Ibid. lib. 2.
[7] Ibid. cap. ccxlvii. lib. 1—10.
[8] Ibid. cap ccxliv. lib. 2.
[9] Ibid.
[10] Ibid. cap. cclu. lib. 1.

severe improvement on the ancient Germanic system of composition by money: whimsically enough, every living thing of that house, below the human dignity, — cows, cats, dogs, poultry, — were also to be put to death.[1] But if the victim were a virgin, the culprit was buried alive[2], and the house in which the deed was perpetrated was to be levelled with the ground.[3] The severity of these enactments speaks volumes as to the state of society. And though Jews were thus placed under the immediate protection of the sovereign, they were subject to the most contumelious treatment. Their oath was not to be taken against that of a Christian[4]; if they once embraced Christianity, they could not revert to their former faith[5]; if they persevered in their apostasy, they were condemned to the flames.[6] No Christian could invite a Jew to a festive entertainment, or eat with one at the Jew's house[7], or bathe with one at the same place[8]; and the unfortunate race were compelled to wear a badge of distinction, or rather of degradation.[9] And when justice required that the oath of one should be received, the precautions taken to arrive at the truth were extraordinary. The juror stood on a swine-skin, and with his right hand on the Decalogue, he was compelled to swear in a form of words, which a grand inquisitor might have devised[10], adding, that if he had not spoken the truth, he wished he might become one of the vile animals on whose skin he was standing[11]; that, like Nebuchadnezzar, he might herd with the brutes,[12]; that, like Sodom he might be consumed with fire from heaven[13]; that, like Dathan or Abiram, he might be swallowed by the earth[14]; that, like Naaman and Gehazi, he might become a leper[15]; that, the pes-

[1] Jus Provinciale Suevicum, cap. cclii. lib. 2.
[2] Ibid. lib. 3.
[3] Ibid. lib. 4.
[4] Ibid. cap. cclviii. lib. 20.
[5] Ibid. lib. 36.
[6] Ibid. lib. 37.
[7] Ibid. lib. 40, 41.
[8] Ibid. lib. 42.
[9] Ibid. lib. 45.
[10] Ibid. cap. cclix. lib. 3, 4.
[11] Ibid. lib. 5.
[12] Ibid lib. 6.
[13] Ibid. lib. 7.
[14] Ibid. lib. 8, 9.
[15] Ibid. lib. 12.

tilence might destroy him as it destroyed the Israelites in the desert[1]; and that the curse of God, under which he acknowledged his nation to lie, might press on him more heavily than before.[2] Whence this insulting, jealous suspicion of a Jew's oath? Scarcely can we think that it was merely wanton.—But if the Jew was thus insulted, he had at least the gratification of witnessing the wretchedness of the society amidst which he dwelt. So frequent were crimes and punishments, so severe the penalties daily and hourly exacted from his oppressors, that he might reasonably believe the Christian to labour under a curse equal to his own. Sometimes a fidejussor would be security for the appearance of a homicide (charged of course, with some other crime),—if detected, he was put to death.[3] If one man received another, under the ban of the empire, into his house, he lost his hand.[4] By law, the insolvent debtor became the slave of his creditor[5], who could even bind him with fetters.[6] Heretics were punished with much more severity than Jews: we perceive that even in the thirteenth century—probably even in the twelfth—after conviction by the ecclesiastical and condemnation by the secular judge, they were publicly burnt[7]; and if the judge spared them, he became subject both to the greater excommunication[8], and to the doom of heresy, from his secular superior.[9] The punishment of nobles who sinned with their slaves, was as severe as in ancient times. Thus, if a lady slept with her slave, she was beheaded, and he burnt to death.[10] If a Christian, male or female, sinned with a Jew, both were tied body to body, and consumed by fire.[11]

As the *Jus Provinciale Suevicum* is very similar to

[1] Jus Provinciale Suevicum, cap. cclix. lib. 13.
[2] Ibid. lib. 14.
[3] Ibid. cap. cclxi.
[4] Ibid. cap cclxxix. lib. 1.
[5] Ibid. cap. ccc. lib. 2.
[6] Ibid. lib. 3.
[7] Ibid. cap. cccviii. lib. 1—3.
[8] Ibid. lib. 4.
[9] Ibid. lib. 5.
[10] Ibid. cap. cccxiv. lib. 1.
[11] Ibid. cap. cccxvii. lib. 1, 2.

the other Germanic codes of the middle ages, we would not pursue the subject farther, especially after the copious notices we have already given of the more ancient*; and still more, when it is remembered, that what appears in the present work on this subject, is designed merely as supplementary or explanatory of what we have written in a preceding work.†

* See Vol. I. pp. 64—78.
† See Europe during the Middle Ages, vol. ii. pp. 121—147.

BOOK II.

RELIGIOUS AND INTELLECTUAL HISTORY OF THE GERMANIC CHURCH DURING THE MIDDLE AGES.

752—1437.

CHAPTER I.

UNDER THE CARLOVINGIAN DYNASTY.

752—910.

I. ESTABLISHMENT OF CHRISTIANITY IN GERMANY, CHIEFLY BY MEANS OF ANGLO-SAXON MISSIONARIES. — APOSTLES OF THE NEW DOCTRINE. — ST. EMMERAN. — ST. RUPERT. — ST. CORBINIAN. — ST. WILLIBROD. — ST. WULFRAN. — ST. KILIAN. ST. BONIFACE. — HIS STATUTES FOR THE GOVERNMENT OF THE GERMANIC CHURCH. — OTHER MISSIONARIES; ST. WILLIHAD, ST. LUDGER, ETC. — FOUNDATION OF BISHOPRICS. — ORIGIN AND PROGRESS OF THE EPISCOPAL JURISDICTION. — DISCIPLINE. — CHURCH REVENUES. — MILITARY SERVICE IN THE CHURCH. — AUTHORITY OF THE CROWN IN ECCLESIASTICAL ELECTIONS. — CONTINUED PROGRESS OF THE EPISCOPAL POWER. — THE COMMUNAL LIFE. — CANONS — MONKS. — INFLUENCE OF RELIGION. — PENITENTIALS. — II. INTELLECTUAL STATE OF THE CHURCH. — RABANUS MAURUS. — WALAFRID STRABO.

652 to 730. THAT Christianity, during the domination of the later Roman emperors, was diffused on each bank of the Rhine, and along the southern frontiers of Vindelicia, Rhætia, and Noricum, is one of the best established facts in history. But before the infant plant had time to stretch its roots in the soil, it was eradicated by the

perpetual migrations of the pagan tribes, consequent on the decline of the empire. To its existence the irruption of the Huns was sufficiently hostile; those of the Suevi, the Burgundians, the Franks, the Saxons, and other barbaric tribes, was wholly fatal. Of the bishoprics which we know to have existed in the fourth century — Mentz, Worms, Spires, Strasburg, Lorch, and Cologne*, — not one appears to have remained in the following. After the conversion of the Franks, and the gradual extension of their sceptre on the German bank of the Rhine, especially into Franconia and Swabia, the intercourse between the new converts and the pagan inhabitants was not wholly without effect; nor is it improbable that both these provinces and Bavaria could still boast of a few Christians, who, amidst the revolutions of above two centuries, had adhered to their faith. It is certain, however, that the number bore little proportion to that of the idolaters; and that, even of this slender minority, few had much, if any, knowledge of the religion they professed. Hence, the whole country east of the Rhine might properly be regarded as still pagan, when St. Augustine undertook his celebrated mission to England. As the French ecclesiastics, satisfied with the practice of useless austerities, had shown no interest for the conversion of the Anglo-Saxons, so they felt as little for that of the Germanic tribes. Though the German provinces were under the same sceptre as Austrasia, the eastern kingdom of the Franes; though the left bank of the Rhine had several bishoprics; no serious effort had been made to carry the light of truth beyond that river. For this criminal neglect of the most important duties, they were severely and justly censured by pope Gregory the Great; for, during the whole of the seventh century, two ecclesiastics only appear to have penetrated to the interior of Germany. Of *St. Emmeran*, little that is authentic is known. That he was a native of Poictiers, and a bishop

* These were present by their bishops in the council of Sardis, 344. That of Cologne, in 549, is apocryphal.

in Aquitaine; that he resigned his see, and left the province with the intention of preaching the Gospel to the Pannonians; that on his way he halted in Bavaria, which, like Swabia, was nominally subject to the sovereigns of Austrasia; that by the duke he was persuaded to renounce his original design, and remain at Ratisbon to instruct the natives, of whom the greater portion were yet idolaters, and the new converts scarcely half reclaimed from their darkness; are doubtless historic facts. St. Emmeran appears to have been the first bishop of Ratisbon, as Theodo, his patron, was the first duke of Bavaria who professed the religion of Christ. The efforts of the missionary are said to have been attended with considerable success; but it was suddenly arrested by an accident so extraordinary, and at the same time so mysterious, that we do not well know what opinion to form respecting it. Uta, daughter of duke Theodo, was unexpectedly found to be with child, — the result of a crime unpardonable amongst the Germans. Who was the father? "The bishop!" was the asseveration of the princess; but the biographers of the saint inform us that it was one Sigbald, a noble of the country. According to one account, she had persuaded the prelate to bear the blame, as a means of preserving both her life and that of her paramour; according to another and more probable one, knowing that Emmeran, had three days before, set out for Rome, she had thrown the blame on him, in the hope that he himself would not return; and in either case, that the sanctity of his name and character would protect her and Sigbald. The whole affair, however, is mysterious: that the bishop should agree to compromise both his own character and the interests of religion, is absurd; that he should leave Ratisbon at so critical a period, is suspicious. The most probable solution to the mystery is that to which we incline, — that, seeing the bishop departed, the princess, whose guilt could no longer be concealed, laid the crime to his charge. The historian, whose paramount and most sacred object is truth, can have no bias for

any churchmen, however renowned; and if, in the conflicting or doubtful nature of human testimony, he sometimes inclines to one, he must, in the absence of authority, be guided by reason. In the first place, Emmeran, who had been a bishop for many years, could not well be at an age likely to be much influenced by a certain passion, or to raise it in others; and, in the second, the burning zeal which led him from the heart of Aquitaine to the midst of barbarians, and the excellence of his conduct prior to this extraordinary event, could scarcely harmonise with the nature of the crime imputed to him. However this be, he was overtaken by Lambert, the brother of Uta, and killed on his way to Rome, on the 22d of September, 652. If the royal family inclined to the opinion of his guilt, the whole nation proclaimed him innocent. In a single century, his fame was widely diffused in Bavaria; monasteries and churches were built in his honour; his relics were revered as those of a martyr; miracles were louldly proclaimed to have sanctified his memory; and, in the blasphemous language of certain writers, he was admitted *inter divos*. He is not the first of a dubious reputation who has been thus honoured. — But though he was the first missionary of note, he is not hailed as the apostle of Bavaria. That distinction was reserved for *St. Rupert*, who, some time in the sixth century, left his diocese of Worms for that province. Respecting his age, however, there has been much disputation; some writers referring his death to the early part of the seventh, others of the eighth century. Notwithstanding the arguments of Basnage, the learned editor of Canisius, we are inclined to the opinion of Mabillon, that St. Rupert died about the year 718; and that his mission was occasioned by the fleeting success of Emmeran, and at the invitation of the Bavarian duke. His labours were more signal than those of his predecessor. Besides reclaiming a great number of the inhabitants from idolatry, he placed the infant faith on a more solid foundation, by erecting at Saltzburg a church and

monastery in honour of St. Peter. At this time the see of Ratisbon appears to have been destroyed; nor need we be surprised, since, after the death of Emmeran, the natives relapsed into paganism. In time, Saltzburg became the spiritual metropolis of Southern Germany. On a neighbouring mountain, Rupert also founded the convent of Nonberg; of which his niece, St. Ermentrude, was the first abbess. Saltzburg and Nonberg were long the centre from which piety and civilisation were diffused over the neighbouring regions. But such was the obstinacy with which the people adhered to their ancient gods, that the efforts of Emmeran, and Rupert, and Ermentrude, would have had no other than a merely temporary effect, had not the good work been continued by other labourers. — The next ecclesiastic who entered the missionary field was *St. Corbinian*, founder of the see of Freysinga. This churchman, a native of Chartres, near Paris, was so annoyed, we are told, with the visits which his reputation for holiness attracted to his cell, that he left the country and proceeded to Rome. By the pope (Constantine) he was compelled to assume the episcopal office, — not for any particular place, but for a whole region. — Of these *episcopi regionarii*, or, as they are called, *chorepiscopi*, we have frequent mention in the hagiologic writers of the seventh and eighth centuries. Their duty was to travel from place to place, often from kingdom to kingdom; to watch over the discipline, to ordain pastors, and in general to fulfil the episcopal functions, wherever there was no resident diocesan. These *episcopi ambulantes*, however, were no favourites with their brethren; and by several councils their ordinations were declared null. — Having laboured for some time in Gaul, St. Corbinian passed into Bavaria. He refused, however, to see duke Grimvald, until the latter put away his brother's widow, whom he had married. From the same duke he received a grant of the lands round Frexina, or, as the place has since been called, Freysinga; and there he fixed his episcopal seat. But the consort of the duke never forgave

him; and one night she sent a band of men to surround his house, and murder him. Having timely warning of her intention, he silently departed to another village of his diocese. The duke, though he disapproved her attempt, refused to punish her: probably he was little attached to the faith he had embraced; certainly both he and his people mixed with it no inconsiderable portion of idolatry. In a few years, however, Grimvald was assassinated; and Hubert succeeded, — a prince more favourably disposed to the views of the missionary. St. Corbinian died in 730, leaving behind him a memory peculiarly dear to his converts. Of the many miracles ascribed to him, we shall notice one only, and that for its singularity. While on a journey to Rome, having encamped one night in a solitary place near the confines of the Tyrol, a boar issued from the forest and killed his sumpter beast. The following morning, when the intelligence was announced to "the man of God," and it was added, that the boar was even now quietly devouring the remains of the carcase, he ordered one of his clerical attendants to take a stick, and soundly to cudgel the animal. The priest, who had no great taste for the service, endeavoured to excuse himself: "Go, and fear not!" was the reply. "And when thou hast done as I have commanded thee, saddle the beast, bridle him, load him with the luggage, and let him proceed with the other horses!" The priest did as he was commanded: the boar quietly suffered itself to be cudgelled, saddled, and laden, and led with the rest to the city of Rome, whence, in consideration of its reformed manners, it was allowed to retire whithersoever it pleased.*

* Meginfredus, De Vita et Virtutibus B. Emmeranni, cap. 1—16. Arnolfus, De Miraculis ejusdem, lib. i. et ii. (ambo apud Canisium, Lectiones Antiquæ, tom. iii.). S. Eberhardus, De Vitâ et Miraculis S. Ruperti, p. 282—295. (in eodem tomo). Anon., Vita S. Rudberti, p. 339, &c. (apud Mabillonum, Acta SS Ord. S. Benedicti, tom. iii. pars i.). Aribo, Vita S. Corbiniani, p. 500, &c. (eodem tomo). Basnage, Observationes de Ætate Rudberti, p. 264, &c. (apud Canisium, tom. iii.). Bollandistæ, Acta Sanctorum, die Sept. xxii., die Martii xxvii., die Sept. viii.). Rader, Bavaria Sancta, pp. 39. 46. Baronius, Annales Ecclesiastici (sub annis).

678 to 739. While the Gospel was thus diffused in the south, it was still more successfully preached in the north of Germany. For this blessing, the latter was almost exclusively indebted to missionaries from Ireland and England. I. In Frisia, the first apostle was the celebrated Northumbrian *St. Wilfred,* who, in 678. appeared in that savage province. As, in a work connected with the present, we have given a sketch of this excellent churchman, we refer the reader to the volumes containing it.* Suffice it to observe, that his labours were attended with considerable success; and that he laid a foundation on which subsequent missionaries were enabled to build. Scarcely was the work interrupted by his departure for Rome, when, at the instance of his metropolitan, *St. Willibrod,* who is reverenced as the chief apostle of the Frisians, arrived in the country. So successful was the preaching of this zealous Northumbrian, that, in 696, the pope consecrated him archbishop of the Frisias. He fixed his metropolis at Utrecht, as a convenient point of departure for the idolatrous regions of Holland and Frisia. On Radbod, however, the duke or king of the country, his persuasions had no effect; and he was equally unsuccessful with the king of Denmark, whom his biographer, the famous Alcuin, describes as "homo omni fera crudelior, et omni lapide durior." It is no slight praise of St. Willibrod, that he had the courage to venture into that dark cave of cruelty: the British and Irish ecclesiastics of this period were every way worthy of the apostolic age. Though his mission in Denmark failed, he brought away thirty youths of the country, with the intention of thoroughly instructing them in the true faith, and of afterwards employing them as his coadjutors in the great work. On his return, being cast by the tempest on the little island of Heligoland, — a place held in such veneration, that no one presumed to touch the animals which were feeding on it, nor even to speak

* See Europe during the Middle Ages, vol. ii. p. 193., and vol. iii. p. 211, &c.

while drinking from its fountains. To show his contempt, Willibrod ordered some of the sacred animals to be killed for the use of his followers; and some of his Danes he baptised in the consecrated waters. Great was the astonishment of the people to see that they did not die from the food, and that the thunders of Heaven were silent. But they related the impiety of the saint to Radbod, who, in his fury, swore to revenge his gods. His menaces, however, were lost on Willibrod, who, not content with telling him that the god he chiefly worshipped was a despicable demon, informed him, for comfort, that both he and his object of adoration must burn for ever in the fires of hell. The pagan was not incapable of generosity: he admired the courage of the apostle, and dismissed him with honour. The remainder of St. Willibrod's life, which was protracted to a good old age, was passed in the most zealous discharge of his duties; — in building churches wherever he could make a sufficient number of converts; in proceeding from province to province, from village to village, from house to house, to preach the Gospel of Christ; not unfrequently confounding the pagan inhabitants by the lusty blows which he aimed at their most revered idols. That he escaped martyrdom, is one of the greatest miracles in hagiology. Striking one of these images in the island of Walcheren, the keeper of the temple, incensed at his temerity, aimed at him with a sword. But the blow had no effect; whether, as his biographer says, through the interposition of Heaven, or whether, as reason would believe, through some more natural circumstance, we shall not attempt to decide. To the success of his unwearied labours during half a century, ample testimony was borne by St. Boniface, in a letter to the pope, a few years after his death. But, in his life, he had reason to congratulate himself, not only on the number of his converts, but on the impression produced by his success on the minds of his cotemporaries It instigated many other ecclesiastics of his nation to

penetrate into these benighted regions; nor was it wholly lost even on the supine churchmen of Gaul. Inspired by the same spirit, *St. Wulfran*, archbishop of Sens, hastened into Frisia, accompanied by a suitable number of priests. He became one of the most useful, because one of the most zealous, co-operators that Willibrod could have desired. Like his predecessors, he, too, tried what impression could be made on Radbod; and once he prevailed on the old pagan to approach the baptismal font; but, suddenly asking the prelate where all the souls of his ancestors were, and hearing that they were undoubtedly in hell, he refused to submit to the rite. He did not wish, he observed, to forsake the society of such glorious princes, for that of such beggars as embraced the new faith. His son, however, was baptised, and with him a multitude of people. Nor did St. Wulfran merely confine himself to the preaching of the Gospel. Though he had not the indomitable courage of St. Willibrod, he could often obtain the same end by persuasion. Many were the victims condemned to be offered as human sacrifices, whom he rescued from the knife. Having passed some years in this most noble of employments, he retired to the monastery of Fontenelle, where he died in 720; while his more robust co-adjutor, St. Willibrod, lived to 739. The labours of this last-named missionary were not confined to the Frisias; he frequently penetrated into Thuringia; yet, though he scattered the seeds of truth, with much diligence, he could not boast of a fruitful harvest. The same field, as well as Franconia, was attempted to be explored by another missionary from these islands—*St. Kilian*, patron of Wurtzberg. Though a bishop in his own country (Ireland), this zealous man left his dignity, and, accompanied by a few clergymen of the same kindred spirit, hastened to spread the truth among the idolaters. Like most of his predecessors, however, he refused to enter on his mission until he had the formal sanction of the pope, and he went to Rome to procure it. By Conon he was consecrated to the great work.

At Wurtzberg on the Mein, which he had visited on his way to the eternal city, he resolved to fix his chief quarters, whence he and his two companions, the priest Coloman and the deacon Totnan, might frequently depart to preach the truth. Among their numerous converts they soon ranked duke Gosbert, who proved the sincerity of the change by consenting to separate from his brother's wife, whom he had married. This is not the first nor the twentieth time in which we have had occasion to observe the extreme rigour of the missionaries in regard to such connections. Whether in themselves sinful, may, perhaps, be doubted; to prohibit them, was certainly one of the greatest obstacles to the diffusion of Christianity. At a later period, it might have been removed by the dispensing power of the popes; but in this the papal pretensions were in their infancy. Gosbert loved the woman, and to separate from her was a hard matter; but if *his* consent was obtained, and *hers* was, consequently, of no avail, she was too much of a woman not to seek revenge. During his absence on a warlike expedition, she sent some nocturnal assassins to the house where the three ecclesiastics abode; and they were beheaded on the night of the 8th of July, 689. To this deed she was, doubtless, encouraged by some of those who still adhered to the idolatry of the country. But both she and her instruments are said to have experienced the wrath of Heaven; being soon bereaved of their senses, and ere long of life. Gosbert himself was assassinated by his own domestics; his son was exiled; and his dynasty was at an end.*

* Beatus Alcuinus, Vita S. Willibrodi, cap. 1—24. (apud Mabillonium, Acta SS Ord. S. Ben. tom. iii. p. 605, &c.). Jonas Monachus, Vita S. Wulframni, cap. 1—14. (in eodem tomo, p. 357.). Anon., Acta ejusdem, p. 613, &c (apud Bollandistas, Acta Sanctorum, die Julii viii.). Canisius, Lectiones Antiquæ, tom. iii p. 171.; necnon tom iv. p. 749. B. Alcuinus, Homilia in Natale Sancti Willibrodi, p. 460. (apud Canisium, Lectiones Antiquæ, tom. ii.). Boschaerts, De Primis Veteris Frisiæ Apostolis (Dissertationes variæ). Alfordus Annales Ecclesiæ Anglo-Saxonicæ, et Baronius, Annales Ecclesiastici (sub annis). Capgravius, Nova Legenda Sanctorum, fol. ccxii.

680 to 755. But more than to all these missionaries, excellent and zealous as they were, is Germany indebted to *St. Boniface,* who has the glorious title of her apostle.

"This celebrated man, a native of Devonshire, born about the year 680, was at first called Winfred. He assumed the cowl in a monastery situated on the site of the modern Exeter; but he subsequently removed to another in Southampton, where the sciences were better taught. At thirty, he was ordained priest; and such was his reputation, that, though without any ecclesiastical dignity, he was generally summoned to the national councils. Dissatisfied, however, with his limited sphere of utility, in his thirty-sixth year he obtained the consent of his abbot to preach the Gospel to the idolaters of Germany. Furnished with letters to the pope from the bishop of Winchester, he proceeded to Rome. By Gregory II. he was consecrated, and exhorted to persevere in his holy design. Having laboured for some time, in conjunction with St. Willibrod, in Frisia, in 722 he appeared in Thuringia. His letters from that province, and from Franconia, give us a melancholy insight into the state of religion in that quarter. He tells us, that strolling vagabonds and fugitive serfs had of their own authority assumed the priestly and even the episcopal character, — men plunged at once in the lowest ignorance and vice. Some of them inculcated a grotesque mixture of idolatry and Christianity; others sacrificed indifferently to Christ or Woden, according to the degree of advantage they expected to derive from the act. We do not, indeed, read of temples or altars, which in Thuringia had been destroyed by the preceding missionaries; but we meet with consecrated groves, and with time-honoured trees, at the foot of which sacrifices were still offered to the ancient gods of the country. Of these, one, and the most revered,— that of Geismar in Hesse,— Boniface, amidst a multitude of heathens, eagerly assisted to fell. When they saw that he was neither consumed by subterraneous fires, nor blasted by lightning from above, they began to distrust the divinities of Walhalla. Even in the places where the Christians alone had been long resident — the regions on each bank of the Rhine — the bishop found little to praise. During fourscore years there had been no council; there was no metropolitan to control the conduct of suffragans; the dignitaries and, in imitation of them, the inferior clergy had concubines; and such as were free from this vice, were addicted to another nearly as bad, — drunkenness: almost all indulged in the pleasures of the chase; many in the occupation of war. Sensible that abuses so inveterate could not be remedied with-

out the restoration of the provincial councils, of the metropolitans, of the ancient canonical discipline; and that none of these objects could be attained without ampler powers than he possessed, Boniface applied both to the Holy See and to Carloman, son of Charles Martel. In both applications he was successful: by the former he was appointed archbishop and papal legate; by the authority of the latter, councils were now convoked, in which Carloman presided. By father Pope-brock, an editor of the *Acta Sanctorum*, the apostle is censured for thus subjecting the proceedings of councils to the influence of kings; but without such influence, what could he have effected? In a letter to his friends at Winchester he says, —'Without the protection of the Frank prince, I could neither govern the people, nor protect the priests and virgins consecrated to God; without his prohibitions, without the penalties which he denounces on those who refuse to obey me, vain would be the attempt in this country to abolish heathen ceremonies or idolatrous sacrifices.' Nor did the opposition which, after all, he encountered, and of which he bitterly complains, spring from the heathens or from the half converts alone; the greatest, because the most interested, was from the clergy, who were strong in their former impurity, and anxious to perpetuate it. But his was not a mind to be daunted by difficulties. He founded bishoprics, which he filled with discernment; the newly appointed prelates zealously co-operated with him; churches and monasteries arose; schools were attached to cathedrals and other edifices; discipline was enforced; the clergy were forbidden to marry, to carry arms, to hunt; certain qualifications were required in candidates for holy orders; and none were permitted to preach or to administer the sacraments, without the express sanction of the metropolitan. So far the meed of unqualified praise will be awarded him; but, to many readers, his policy in regard to the papal court will appear questionable. No man ever exceeded him in devotion to that court, which he regarded as the abode of Christ's vicar on earth, to which the church universal was divinely subjected. The oath of feudality, which, on his elevation to the archbishopric of Mentz, he took to the papal see, might have been dictated by Bellarmine; and, in the councils over which he presided, he caused the obligation of receiving the pallium from Rome, and the propriety of the papal intervention in the internal affairs of any diocese, to be formally recognised. For this policy he was not without his reasons. In Gaul and Germany — probably, too, in Britain — he had seen enough of laxity in morals and discipline, where there was no recognised hand armed with authority sufficient to enforce the canons

against the interested, however powerful. Yet that he was no slave to the person, when he thus reverenced the office, of pope, is evident from the freedom with which he exposes to their faces the weakness, the impolicy, the culpable indifference, of some pontiffs: but he consulted them in every thing. Some of their decisions on the questions he proposed to them, seem strange enough; and prove that where an object was to be gained, they would sometimes be criminally condescending. That, through regard to Germanic barbarism, relations below the fourth generation should be allowed to marry, was rational; but that when, through disease, a wife was rendered incapable of the *debitum conjugale*, the husband should be permitted to re-marry, must strike not only at the root of the most solemn engagement, but at the very foundations of society. For this criminal indulgence, however, St. Boniface is not to blame; and we know that it was transiently conceded. His dearest, his sole objects, were the conversion of souls, and the restoration or maintenance of discipline. Of his success in the former, some idea may be derived from the fact that, in 739 — after about twenty years' labour — 100,000 adults had been reclaimed from idolatry." *

But, in this vast field, the unaided exertions even of a Boniface would have effected little good. His first object was to procure associates from England; and for this purpose he addressed circular letters to the bishops and abbots of this island, representing the wants of the mission, and exhorting his countrymen to assist him in liberating the souls of their fellow creatures from the dominion of Satan. Nor was his application unsuccessful: from time to time a considerable number of zealous men repaired to him in Germany. The spirit which animated them cannot be mistaken. "No motives but those of the purest zeal could have supported them under the numerous privations and dangers to which they were continually exposed. Bread, indeed, they were able to obtain from the gratitude of their proselytes; and the menaces of the Franks protected them from the insults of the vanquished barbarians, who refused to listen to their doctrine; but for clothing, and almost every other

* Europe during the Middle Ages, vol. ii. p. 195, &c. Extracted, however, with some verbal alterations.

necessary, they were compelled to depend on the casual benevolence of their distant friends; and the fruits of their labours were frequently destroyed, and their lives endangered, by the hostilities of the tribes that still retained the religion and independence of their fathers. By one incursion, no less than thirty churches were levelled with the ground."* But Boniface was not satisfied with the casual supply of missionaries from his native island: he resolved to form establishments in which they could be educated for the office, and which would consequently furnish him with a permanent supply. Hence the monasteries and schools which, as we have related in the preceding paragraph, were erected. To the four cathedrals which he founded — Erfurt, Bonaberg, Aichstadt, and Wurtzberg — he attached a school; and he did the same in regard to the monasteries, Ordof, Fritzlar, Amelburg, Horsburg, and Fulda, which likewise owed their existence to his zeal. Nor was he regardless of the female sex. By his persuasions, several nuns left England to aid him in this important design; and for them he founded communities. Thus, St. Lioba he placed in the convent of Bischofesheim, on the river Tuber; St. Thecla at Chitzengen, in Franconia; St. Walberg at Heidenheim, near the Brentz; and of two others, he located one in Franconia, the other in Bavaria. His quality of papal legate, no less than of archbishop of Mentz, — and he was the only metropolitan on the right bank of the Rhine, — enabled him to exercise uncontrolled influence over this last-named province. In Swabia he laboured with considerable success; and four times he penetrated into Frisia to aid and to continue the work commenced by Wilfrid, Willibrod, Wulfran, and others. There is evidence, too, that Saxony was no stranger to him; though over that wild, and fierce, and barbarous region, on which the victories of Charlemagne only could make

* Lingard, Antiquities of the Anglo-Saxon Church, p. 442.

any durable impression *, he could not be expected to exercise much influence. He was thus, in the truest sense, the apostle of Germany; which, whether we regard him as the herald of the Gospel, or the father of its civilisation, owes him an eternal debt of gratitude. The services which he and his co-adjutors performed in favour of that country, Mabillon, the great historian of the Benedictine order, proves to be fourfold; — the introduction of Christianity; the foundation of cathedrals; the diffusion of literature; the cultivation of the ground. Of the two former we have sufficiently spoken; of the third, on the knowledge which he diffused, we have presumptive evidence enough in the schools which he founded. The benefits which he conferred on agriculture are less apparent, but not less real. The monasteries which he and his companions or disciples founded, were generally built on some barren, or marshy, or woody situation; so that trees had to be felled, fens drained, and the soil diligently tilled, before the place could support the new inmates. Thus the great forest of Buchonia, on the confines of Thuringia and Franconia, shaded a soil so barren that little hope could be entertained of its cultivation; yet, after the foundation by St. Sturm, a disciple of St. Boniface, of the celebrated monastery of Fulda, the scene was widely different: vineyards and cornfields waved where there had only been briars or thorns; and spires and cottages arose where there had only been rocks and trees. In 755, the aged St. Boniface undertook his fourth mission to Friesland, and found what he had long expected and long hoped — the martyr's crown. He met his fate with a constancy which would have done honour to any of the apostles.†

Some of the statutes which St. Boniface drew up for

* See Vol. I. Reign of Charlemagne.

† S. Willibaldus, Vita S. Bonifacii, cap. 1—4. (apud Bollandistas, Acta Sanctorum, die Junii v.; necnon apud Mabillonium, Acta SS. Ord. S. Ben. tom. iv.). Othlonus Fuldensis, De Vitâ et Virtutibus S Bonifacii, lib. i. et ii. p. 333, &c. (apud Canisium, Lectiones Antiquæ, tom. iii.). Epistolæ

the use of his infant church, throw considerable light on the manners of the times, and afford us some glimpse into the difficulties with which he had to contend. No priest, at the persuasion of a layman, was to leave the church in which he officiated, and pass to another. No priest to celebrate mass in other than consecrated places. No altar to be erected, unless sanctified by the bishop. No priest to walk out without the chrism, blessed oil, and the consecrated host, so that he might at any time be ready to baptise, or to administer the last consolation of religion. Laymen are not to eject the clergy from their churches; nor to require money from the one they should appoint to any particular church. Every bishop to look narrowly after fugitive priests, and return them to their lawful diocesans. Heads of religious houses to live chastely. Nunneries to be closely and frequently visited by the bishop, that it might be seen whether the abbess and the nuns lived in the way required by the canons. The earnestness with which this regulation is enforced by the canons of the Germanic church, shows the well-guarded apprehensions of the fathers for the virtue of the sisterhood. One corpse was not to be laid on another; no corpse was to have the eucharist put in its mouth, nor its lips to be kissed,—abuses common enough among half converts. No church to be used as a place of festivity, or even of exercise in singing. Men not to bathe at the same time and places as the women.* No man or woman to stand as sponsors, who could not repeat the Creed and the Lord's Prayer. The priest who practised any magical arts to be punished with the utmost severity of the canons; the same, if he interpreted dreams, or pre-

S. Bonifacii, passim. Yepes, Coronica General de la Orden de San Benito, Centuria Tercera (sub annis). Alfordus, Annales Ecclesiæ Anglo-Saxonicæ; necnon Baronius, Annales Ecclesiastici (sub annis), Capgravius, Nova Legenda Sanctorum, fol. xxxix. Europe during the Middle Ages, vol. ii. p. 204.

* See Reign of Wenceslas.

dicted the future in any possible way. In other canons passed in the councils over which this celebrated man presided, we have abundant evidence of the barbarism and vices of the times. Many relate to magical incantations; to unlawful marriages; to the penance imposed on those who violate the commandments of God, or the laws of men.*

700 to 809. The amazing success of St. Boniface, St. Willibrod, and their disciples, attracted many labourers into the same field; many who were their companions, many who continued the work after they had been called from it: and it is some gratification to perceive that, of these, most were Anglo-Saxons, — a nation which, a century preceding, had been plunged in a darkness equal to that they now so zealously laboured to remove. One single century had raised them from barbarism to civilisation; had transformed them from bloodthirsty savages into mild, and humane, and affectionate men; had banished from their hearts the selfishness which is every where the distinguishing mark of barbarity, and in its place had implanted the self-denying and magnanimous virtues. Of those who co-operated most faithfully with the great apostle of Germany, we may notice a few. The two brothers, *Saints Willibald* and *Wunibald*, both relatives of the apostle, and the former his biographer, have great claims on the gratitude of Germany. Both directed their hearts and souls to the common object; the former as bishop of Aichstadt, one of the sees founded by St. Boniface — the other as abbot of Heidenheim in Bavaria. The lives of both have been written by a nun of Heidenheim, an Anglo-Saxon and their kinswoman. The period of their deaths cannot be ascertained, but both appear to have preceded St. Boniface to the tomb. *St. Burchard* of Wurtzberg, the first bishop of that see — an Anglo-Saxon, and a zealous co-operator with his friend — was spared to the church nine years only, from 741 to 750. A much

* Statuta S. Bonifacii (apud Dacherium, Spicilegium, tom. ix. p. 63.). These are founded on the canons of the councils of Arles, Worms, &c.

higher place has been reserved for *St. Lullus*, the friend of the apostle, whom he caused to be recognised as his successor in the archbishopric of Mentz. In 732, this churchman, at the instigation of St. Boniface, left his monastery of Malmesbury, and hastened to Germany, where he laboured with success until 787. The efforts of *St. Sturm* and of *St. Gregory of Utrecht*, both disciples and friends of the German apostle, must be sought in the ecclesiastical records of the period. Of the former it must be sufficient to observe, that he was the first abbot of Fulda, and that from this renowned establishment he diffused blessings on every side; of the latter, that he was not less distinguished for the Christian zeal which led him into that dark region, Frisia, than for his unrivalled charity. He knew not what anger meant; he obeyed in its literal sense that hardest of injunctions, "Bless them that curse you!" In *any* Christian, this would be an enviable distinction; in a German, and a noble like St. Gregory, it was a prodigy. One of his disciples, the Anglo-Saxon *St. Lebwin* penetrated into a country still more barbarous,—that of the Saxons, of which he is venerated as one of the chief apostles. Not satisfied with the ordinary perils attached to his mission, about 770 he presented himself, in his sacerdotal garb, at a general assembly of the Saxon tribes on the banks of the Weser; denounced in a thundering voice their idolatrous worship; and threatened them, in case of obstinacy, with the vengeance of Charlemagne in this world, and that of God in the next. His life would have been the instant sacrifice of his zeal, had not one of the elders rescued him from the fury of the people. To his death, in 773, he persisted in his boldness; assailing the idols and upbraiding the worshippers with as little ceremony as if he were surrounded by a legion of Franks.—In 772, *St. Willahad*, a Northumbrian priest, left that province to continue the labours of his countryman St. Boniface. Landing in Frisia, he proceeded to the place where that apostle had been martyred; and, having kissed the ground, he proceeded

through East Frisia and Saxony to preach the word of life. He was evidently inspired by the hope of the same fate.

"Once it was near realisation: some barbarians proposed to sacrifice him to the deities whom he reviled; others, however, with more wisdom, contended, that, as he was guilty of no offence against the laws, he did not merit death; and that, in the darkness of human knowledge, nobody could be certain that the religion he preached was not actually the true one. The reasoning of the philosophic savage did not prevent the rest from casting lots on his fate; but chance or Providence was favourable, and he was suffered to proceed. In another place, he and his disciples assailed the pagan temples with such hearty good will, that the incensed natives, after soundly cudgelling him, prepared to put him to death. But, if we may believe his biographer, the sword refused to do its work, and he escaped. In Saxony he laboured with peculiar zeal, whenever a suspension of the war between Witikind and Charlemagne allowed him; for when hostilities ceased, he always returned to the spiritual field, filled with new courage and hope. His success may be inferred from the conversion of Witikind; from the baptism of thousands among the subjects of that brave barbarian; from the destruction of the idols, even on the sacred Heligoland; from the erection of several bishoprics, and of numerous churches. In 787, he was consecrated bishop of Eastern Frisia and of Saxony; and he fixed his seat at Bremen, already nobly endowed by the munificent piety of the king. But his life was not to be protracted; his austerities had injured his constitution: from his earlier years he had refrained, not merely from animal food, but from fish, nor drunk any thing stronger than water; and though, in his declining days, pope Adrian commanded him to use a more nourishing diet, the order came too late: he died in 789." *

St. Willahad had successively planted the Gospel on the banks of the Ems, the Weser, and the Elbe. His labours were zealously aided, as well as continued, by *St. Ludger*, a Frisian, and a disciple of St. Gregory of Utrecht. Having received the monastic habit from his master, Ludger proceeded to York, to improve himself under Alcuin, in the learning of the age, prior to his assumption of the sacerdotal character. On his return,

* Europe during the Middle Ages, vol. ii. p. 204.

he was ordained and sent on the mission to his countrymen. After many years of arduous exertions, he was placed over the new diocese of Munster, where he died in 809.*

Most of the German bishopries were founded in the time of Charlemagne. Before his accession, Passau, Freysinga, Ratisbon, and Saltzburg in Bavaria, and those founded by St. Boniface, were the only ones in existence; and of the latter, two only were allowed to survive,—Mentz the metropolis, and Wurtzburg. But, in their place, others were now erected in situations much more advantageous. In 777, Osnabruch; in 780, Minden; in 781, Seligenstadt, afterwards translated to Hallenstadt; in 786, Verden; the following year, Bremen; Paderborn in 795; Elza, which gave rise to that of Hildesheim, in 796; and Munster in 805; attested the zeal of the emperor and the progress of the Christian religion. The metropolitan jurisdiction over all these sees was at first exercised by Mentz and Cologne; but, in the ninth century, Bremen and Saltzburg were elevated to the same dignity. Saltzburg frequently exercised the jurisdiction over not only Bavaria, but the Austrian provinces, though the right was often disputed by Passau. At a later period still, the same honour was extended to Magdeburg. But the best, we may add the only, means of preserving discipline, was the frequent convocation of national councils; and we accordingly find that the number was considerable.—During this period, the *riches* of the church amazingly increased. The *Traditiones Fuldenses*, for example, exhibit on the part of the nobles a liberality too great 777.

* The preceding paragraph is founded on the lives in the collection of Bollandus, Acta Sanctorum, of Mabillon, Acta SS. Ord. S. Benedicti, tom. iv; of Canisius Lectiones Antiquæ, vol. iii. et iv.; of Capgrave, Nova Legenda Sanctorum, of Surius De Probatis Sanctorum Vitis; on Adamus Bremensis, Historia Ecclesiastica; on Eginhard, Annales Regum Francorum; on the Chronicles of Regino and Hermannus Contractus; on Alford Annales Ecclesiæ Anglo-Saxonicæ; on Baronius, Annales Ecclesiast.; on Yepes, Coronica General de la Orden de San Benito; on Boschaetz, De Primis Vetustis Frisiæ Apostolis; and on other works, to specify the pages of which is needless.

for the true interests of the church. Yet it must be observed, that these donations were of far less value at the time they were made, than they became in the sequel. Originally they were barren, many scarcely worth the cultivation: in a few years they became flourishing manors. The cathedral which had one thousand such farms, was not thought to be rich: many had three or four, some had seven or eight, thousand And these concessions, let us remember, were independent of the tithes and voluntary offerings. In some places, however, especially in Saxony, tithes were not collected before the eleventh century. To serve as an example to others, Charlemagne caused the royal manors partially to discharge the obligation. He ordered that the amount in each diocese should be divided into three equal portions—one for the support of the bishops and the ecclesiastics; another for the erection, the repair, or the augmentation, of ecclesiastical edifices; a third, for the relief of the poor and the entertainment of travellers.*

752 to 910. Under the Carlovingian sovereigns, the jurisdiction of the bishop acquired some increase. That they should be willing to extend to the prelates of Germany the same privileges as were enjoyed by those of Gaul, was natural, and, indeed, unavoidable. Even under the Roman emperors, they had been allowed considerable influence over their own ecclesiastics, whose disputes were always brought before their tribunals. Under the Merovingians it was greatly augmented; it was made to extend over laymen no less than ecclesiastics: they were admitted to the *placita,* or great assemblies of the nation, in which they had a voice equal at least to that of count or duke. In 560, an ordinance of Clothaire I., empowering the bishop, in the absence of the king, to correct or to reverse any iniquitous sentence of the ordinary judge, clearly shows the extent of their power. Nor need this surprise us: as the only educated chiefs

* Capitularia Regum Franconia, A. D. 772—813. Hausitz, Germania Sacra, tom. i. passim. Schmidt, Histoire des Allemands, tom. ii. chap. 13.

of the state, their services must often have been useful to the sovereign: they were employed in difficult negotiations; they were the usual preceptors of the princes; by the people, they were frequently solicited to interfere between them and the sovereign, — an office that gave them increased consideration in the eyes of both. Of the dignity with which the episcopal character was invested, we need no other proof, than that counts and dukes were anxious to exchange for it their offices, accompanied — as at this period those offices always were — by an extensive jurisdiction. It was, in fact, a higher one; for not only was there attached to it the same judicial powers, but there was inherent in it the far more dreaded power of excommunication: we may add, that the moment the bishop received his temporalities, he was perfectly independent of the crown, to which the count or duke was always subject. In that lawless age, indeed, there were many nobles sufficiently inclined to defy the thunders of the church; but by a decree of Childebert (595), temporal were combined with spiritual punishments; the person so excommunicated being forbidden to appear at court, or at the *placita regni*, and declared to have forfeited all his worldly possessions. We may add, that not only the church of Gaul obtained the confiscation of the privileges conceded by the late emperors, and the concession of new ones, but individual churches — and monasteries were not slow to imitate the example — obtained from the fears, the policy, or the piety of the sovereign, the most remarkable immunities. Many, for instance, were exempted from the jurisdiction of the royal judges, and even from that of the crown: in such places, the bishop was the supreme judge; but as the canons forbade him to sit "on judgments of blood," and as, under the Merovingian dynasty, his ecclesiastical were regarded as his peculiar, and even sole, duties, he presided through his count or vicar. Judgments of blood, however, could scarcely occur in a country where, with one or two exceptions, the penal code was a graduated system of

pecuniary compensation: probably, too, all such exceptions were in the peculiar province of the royal tribunals. And let us not forget that the privilege, even in this modified sense, was possessed by very few prelates; but it served as a foundation to future concessions, while, in its present state, it conferred now splendour on the episcopal office. — Nor was the church less favoured in its property than in its dignity. Myriads were the serfs which, together with the domains, were inalienably given to it; and many of the manors were inhabited by men who, though free in condition, were still bound by feudal obligations to the proprietor of the domain. By an edict of Clothaire, all these, with the produce they raised, were exempted from the usual contributions to the state; which, consequently, passed into the treasury of the bishop. Whether, however, each church was not compelled to support a certain number of armed men during the war, may be doubted. On a question which has so many eminent names on each side, we shall not attempt to decide; we shall only observe that, though in subsequent times all admit the practice to have existed, no one has yet been able to assign the exact period of its commencement. Doubtless, it had no existence in the fourth century; it began, we think, in the sixth; certainly we find traces of it in the seventh. It arose with the feudal system, which is of much older growth than most historians have been willing to admit. The same privileges and immunities, as we have before observed, would naturally, and, indeed, necessarily, be extended to the prelates of Germany: it is the nature of such a power to increase, and we may trace the gradations of that increase with something like certainty. Under the Merovingians, as under the Romans, the two parties in a civil suit had been permitted to lay their cause before the bishop; and though the consent of both was necessary for this purpose, such was the equity of his decisions, that much of his time was occupied in this duty. From a mediator, he insensibly became a judge. Whether the law

of Constantine, which allows the case to be carried before the episcopal tribunal, even when one only of the parties consent, be authentic, may reasonably be doubted; but the law itself was inserted by Charlemagne in the "Capitularies." Nor does it seem to have created the slightest sensation at the time of its appearance: it could only affect the counts; nor even them so much as we might suppose, if we forgot that much of the civil jurisdiction was already in the hands of the bishops. In regard to the *criminal* jurisdiction, the progress is not less striking. Under the Merovingians, as we have already noticed, a few bishops obtained, through peculiar favour, charters which empowered them to preside, by their vicars, in criminal cases. Originally this concession seems to have been defined; the jurisdiction of the bishop being restricted to cases where the canonical laws or the divine injunctions of Scripture were violated. In this sense, Pepin (755) ordered that the bishop should have full power to enforce the laws of the church against both ecclesiastical and secular offenders; and, for this purpose, the officers of the ordinary tribunals, the whole municipal array of the court, were placed at his disposal. Whether the means of enforcing obedience to their decisions had previously been held by him, may be doubted; probably the court was bound to enforce it; but now those means being directly placed in his hands, inevitably tended to the augmentation of his influence. By Ludovic I., the son of Charlemagne, an improvement was added,—that if the court delayed to furnish officers for the execution of the sentence, the bishop, or one of the parties, should immediately apply to the crown. The annual tour which every bishop was compelled to make in his diocese, concerned the decision of such questions, no less than the maintenance of discipline: in each place he held a species of tribunal for the cognisance of offences against the commandments, and for the enforcement of such penance as the canons decreed against the offenders. That in the ninth century, however, his authority was

judicial in criminal no less than in civil matters, is evident from the ecclesiastical laws collected by the monk Rhegino: in such visits he was always preceded by his archdeacon or archpriest, whose duty was not only to see that all persons required to attend were present on his arrival, but to decide the more trifling cases, the hearing of which would have occupied too much of his time. And we find another alteration, the propriety of which nobody will dispute. Originally, the decision of any question seems to have rested in the bishop alone, who was guided by the canons, the sacred Scripture, and the laws; but, from the ninth century, we perceive that he associated with him a certain number (generally *seven*) of old men distinguished for their wisdom and probity. They were not only his assessors, but a sort of grand jury; since they swore to lay before him the real state of the district; to present the names of all offenders against the laws of God and the church; to conceal nothing; and, in their judgment, to be guided neither by fear nor favour, neither by interest nor prejudice. After an admonition as to the sanctity of the oath just taken, they were required to answer whether any one in the district had committed homicide: if so, whether voluntarily or accidentally; and whether the victim were free or enslaved. At the first view, we might imagine that such an inquisition would be useless, since a crime of such magnitude could not fail to reach the notice of the secular judges. Let us, however, remember, that in *every* district such judges were not to be found; and that, if they were, little sensation was created by the murder of a slave, since the owner might do what he pleased with his own. Hence the bishop, as a recognised judicial authority, was peculiarly termed the friend of the poor. The other questions were various;—whether a mother had committed infanticide; whether one man had bound, or confined, or interrupted another; whether any one had sold a Christian slave to a Jew, and whether Jews were known to engage in such traffic; whether any one dealt in magic; whether, especially, there were any women who, by the

use of drugs, charms, or incantations, pretended to raise love or hatred from one individual to another; whether any one charged another with being a sorcerer, — for, by a capitulary of Charlemagne, such a charge insured the death of the traducer, — and with eating human flesh; whether any one had rejoiced and sung over the corpse of his enemy; whether any one had refused the tithe "due to God and the saints;" whether any one, through contempt of his own parish priest, frequented the church of another; whether each district was properly provided with deans who exhorted the parishioners to attend matins, mass, and vespers, not to eat on fast days, not to labour on festivals, and who denounced to the priest such as were known to be disobedient. We must here observe, that these *deans* were laymen, and were called *decani* merely from their right of inspection over *ten* persons. Whether these were official men corresponding to our Anglo-Saxon tithing men; or whether, in imitation of the *decani*, who we know existed in the judicial administration of the Germans, they were selected, for a purpose purely ecclesiastical, from the more aged or influential inhabitants; would be vain to enquire. To conclude these questions,—which, however, throw some light on national manners, — it was asked, whether any man had refused hospitality to the pilgrim or the stranger; whether any master refused to produce his slave who had been sentenced by the bishop to corporal punishment; whether, in that district, any society existed for the purpose of drinking to excess, of offending the public morals, of conspiring against the interest of society, or the government of the state; whether any one had sung lewd or jocular verses in the vicinity of a church. These questions need no observation: in themselves they cannot fail to strike the attention, and to cause much reflection on the state of society in which they were proposed. Connected with them are two considerations, on which we confess we have no satisfactory light. If a man were convicted of homicide, or of any other crime to which a pecuniary compensation was

attached by the laws, was it the duty of the bishop to require the civil no less than the ecclesiastical penalty—to exact the compensation decreed by the secular code, no less than the penance decided by the canons? And if so, did the money pass into the treasury of the king, or into that of the bishop? On the latter subject, no data whatever exist by which an opinion can be formed. The former is a matter of inference; but that inference, though favourable to the extent of jurisdiction it involves, cannot be said to have the force of law.*

From the preceding glance at the ample privileges and immunities of the bishops, at the high dignity with which they were invested, it might be supposed that their power, no less than their riches, were unbounded. Yet no impression would be more erroneous. Society, it has been truly said, is full of contradictions; and that truth is no where more conspicuous than here. If, on the one side, many circumstances promised the augmentations of their estate; if royal favour, and patrician liberality, and public opinion, concurred in doing them honour; on the other, they had misfortunes to encounter, the existence of which would be impossible in a more civilised state of society. Of these, the open violence which they sustained from the secular nobles, who, at the head of armed followers, continually plundered their domains, and even forcibly occupied not a few, is the first and most considerable. Where ample lands, often to the real or apparent injury of some heir, had been left to a church, that heir would not fail to reclaim them; and when he found that no tribunal would hear him, his only resource lay in his sword. In general, however, there was no such provocation: at harvest time, the produce of the farms was almost sure to be driven away; the more distant were occupied

* Baluzius, Capitularia Regum Francorum, tom. i. (variis instrumentis). Sidonius Apollinaris, Epistolæ, lib ii. p 6. S. Gregorius Turonensis, Historia Ecclesiastica, lib v. cap 30., lib vi. cap. 7 46, lib. v. cap. 36, &c. Marculfus, Formulæ (variis instrumentis). Heineccius, Corpus Juris Germanici, p. 468. 475, &c Annales Corbeyenses, A D 828. Hensiz, Germania Sacra, tom. i. p. 186. Hartzheim, Concilia Germanica, tom. i. passim, tom. ii p. 316. 372. 486. 511. Schmidt, Histoire des Allemands, tom. i. liv. 2. chap. 9., tom. ii. liv. 3. chap. 1.

by armed bands; all were infested by robbers; and not unfrequently the church or monastery itself offered no security against their attacks. That this open violence was not peculiar to Germany — that it is to be found in all the chronicles of France and England — is well known. "Whether any of our nobles," says the biographer of St. Wala, "can possibly be saved, is more than I can tell: certainly they like nothing so much as to plunder the churches, — no doubt from the popular saying, that 'stolen bread is sweet.'" And Agobard justly observed, that no property was so insecure as that of the ecclesiastics; for no one could say how many days any church would be allowed to retain its possessions. Often the serfs, whom the ministers of religion had enfranchised, were dragged away to a far worse slavery than the one they had just escaped. What was the remedy? Excommunication was the only weapon the churchman could wield; but except in the towns, or near the court, or in places where public opinion could easily penetrate, that doom had no effect. To cast off from the society of the faithful, those who never attended the duties of religion, who came in contact with priests only to plunder them, or to retain them captive until a ransom could be raised, was no punishment to the hardened bandit — and many of the nobles *were* bandits. The only alternative was to choose some valiant defender as the advocate of any particular church or monastery. To maintain an armed force for the defence of the neighbouring edifice, its domains, and produce, and serfs; to punish any noble, however powerful, who ventured to disturb them; was the duty of the advocate. This right of protection, as may be easily supposed, was not to be exercised gratuitously; the church was compelled to grant, by way of fief, a certain portion of land to the advocate, — to relinquish a part, that the rest might be preserved. But of these advocates, many were great barons, and even princes, who, seeing the facility with which any act of violence might be perpetrated, often betrayed their

trust by encroaching on the domains of the ecclesiastics they had sworn to defend: they seized farm after farm, generally under some pretext, which rapacity can always invent; sometimes without the shadow of a pretext. In the history of the middle ages, especially from the ninth to the fourteenth century, the complaints of the ecclesiastics are incessant: through the bandits on one side, and the advocates on another, many monasteries, previously distinguished for their opulence, had not sufficient for their support. These disorders, it will be readily conceived, chiefly happened during some natural convulsion, or when the sovereign was too weak or too distant to repress them.*

752 to 910. If, under the Merovingians, we were unable to decide whether military service was attached to the lands of the church, under the Carlovingians there is no longer a doubt. In regard to cathedrals, nothing can be more rare than the exemptions from the rule; and these were only made on account of poverty. Thus Ludovic I., son of Charlemagne, exempted the infant church of Hamberg from the onerous obligation, because it had not the funds necessary to support its own ecclesiastics, much less an armed body of men. In regard to monasteries, the same rule obtained; but as these had seldom so much property as the cathedrals, the number of exemptions was greater. Hence the distinction between them: some, which were very poor, were bound only *to pray* for the sovereign; some were obliged to make an annual donation, or sort of compulsory benevolence; others, again, were expected to send a certain number of horsemen to the field; the richer houses were required both to maintain the horsemen and to make the annual payment. In regard to the personal service of the bishops, the records of the same period are equally decisive. Of this evil, serious complaints were made by St. Boniface;

* Paschalis, Vita S. Walæ (apud Mabillonium, Acta SS. Ord. S. Ben. tom. iv. p. 1.). Agobardus, De Dispensatione Ministeriali, p 13 Hartzheim, Concilia Germanica, tom ii pp 140. 157. Mabillon, Annales Benedictini (sub pluribus annis). Schmidt, ubi supra.

and Charlemagne was so sensible of its magnitude, that in one of his capitularies he formally exempted all prelates from the obligation. Nothing, however, is more certain than that, though the people earnestly besought the monarch to persevere in his intention, bishops still continued to fight. One cause of this abuse must, doubtless, be sought in the martial disposition of some among them; but the chief lay in the necessities of the state, and in the complaints of the lay feudatories that this exemption threw the whole burden of the war on themselves. How little the efforts of Charlemagne, and of his son Ludovic, succeeded, appears from the number of ecclesiastical dignitaries who, during the ninth century, fell in battle. To give two instances, and those of bishops, both Theodoric of Munden and Marquerd of Hildesheim fell in the battle of Ebbecksdorf; and the archbishop of Mentz, in opposing an invasion of the Scandinavians. The evil was too deeply rooted to be eradicated, and too convenient to be attempted. So far were the successors of Ludovic from discouraging it, that, in many of their diplomas, where they left the freedom of elections to the chapter, they stipulated that the choice should fall on one only able to discharge the *servitia regalia*, of which military service was the basis. This led to an abuse more monstrous in degree than ever existed in any other church. He who led nobles to the field, must necessarily be a noble himself; but the bishop was chosen from the canons; hence every canon must be a noble: if a prince or baron, or one at least possessed of extensive private estates, his recommendation was irresistible. The lands of the inferior clergy were not liable to the same service; but they were subject to certain feudal prestations to the lord of the domain.*

In regard to the authority of the sovereigns over the church, the period before us also exhibits some interesting particulars. None of them, indeed, presumed

* Hartzheim, Concilia Germanica, tom. ii. pp 61. 149. Baluzius, Capitularia Regum Francorum, A. D. 709, 816, &c. Schmidt, Histoire, vol. ii. p. 232.

to interfere in the dogmas of faith; but all claimed as a prerogative, the right of protecting the church, and of enforcing the observance of discipline. That this was no empty claim, appears from several decrees. Thus Charlemagne ordered that no legend of doubtful authority should be read in the churches, but only the books universally recognised as canonical — the holy Scriptures and the works of the fathers; that no saint should be worshipped until he had been recognised by the church. Probably, however, he issued these and similar decrees at the instance of the clergy themselves, who had passed them in a synod or council. It is, however, certain that ordinances for the government of the church were generally issued in the name of the monarch; and, in some instances, the very language of the decree affords us reason to suspect that it was published by him alone. Sometimes he does not *command*— he exhorts or entreats. — By whom were the bishops appointed? On this subject there has been much angry disputation. Under the Merovingians, it is certain that, though the elections were made by the clergy and people, they were openly influenced by the crown. Originally, indeed, the privilege was less equivocally exercised: —

"The Merovingian kings, confiding in an authority which was every where else recognised, no longer scrupled to usurp an ancient right of the chapter and people, — to nominate bishops to vacant sees; while, by the patrons of benefices, the inferior clergy were similarly nominated. The latter privilege was sanctioned by the canons of councils; but the former was loudly condemned by the bishops and clergy: the remonstrance was seldom effectual — the royal nominee keeping his seat. In time, however, a sort of compromise was effected by the two parties; the election was left to the chapter, but subject to confirmation by the king. Yet that election, however clear its right, was not in practice free. If the king ceased to nominate, of his own authority, some courtier priest; he seldom failed, when the vacant see was rich enough to tempt his interference, to *recommend* the favourite, and that recommendation was not in vain. Under the Carlovingians, the same right of election was recognised; yet under them we also find a return

to the original abuse, — an abuse more frequently exercised by them, than ever by their long-haired predecessors. The truth is, that the right and the fact were at variance with each other; and that the contention ended just as we might expect it to end, where all the real power was on one side. So well was the system understood, so hopeless were the popes of extirpating the abuse, that we have distinct applications from two of these to Charlemagne and Lother, requesting vacant sees for such clergymen as they humbly recommended to the emperors. Thus, also, from two anecdotes in the monk of St. Gale, we read that Charlemagne exercised an uncontrolled influence over the elections. It must, however, be observed that this direct influence was chiefly confined to the richer sees; for we meet with instances enough where the crown not only abandoned its exercise, but where the right of election was recognised as inherent in the chapter." *

Ludovic I. appears to have entertained the design of rendering the elections entirely free — of renouncing even the privilege of confirmation. From the language of his celebrated decree of 816, —

"Sacrorum canonum non ignari, ut in Dei nomine sancta ecclesia suo liberius potiretur honore, adsensum ordini ecclesiastico præbuimus, ut scilicet episcopi per electionem cleri et populi secundum statuta canonum de propriâ diocesi, remotâ personarum et munerum acceptione, ob vitæ meritum et sapientiæ, donum eligantur," —

it might be inferred that an end was put to this abuse; but this capitulary was a mere farce: it could not be sincerely promulgated, for no sovereign ever interfered more than Ludovic continued to do whenever the inducement was sufficiently tempting. In the annals of several churches, we meet with complaints of bishops being chosen "magis ex voluntate regis et consiliariorum ejus, quam ex consensu et electione cleri et populi." In 836, the council of Aix-la-Chapelle besought him that he would in future use his influence in behalf of a proper candidate, that religion might not suffer. By Wala of Corby he was publicly reproached for his corrupt patronage. The truth is, that the evil continued to flourish, — that it even acquired augmented vigour, —

* Europe during the Middle Ages, vol. ii. p. 154.

until the efforts of Gregory VII., and, above all, the famous concordat of 1122, limited its operation.*

752 to 910. But if the election of bishops was thus attached to the throne, and if they themselves were thus liable to persecution from the violence of the nobles, their power was progressive. The men whom they were obliged to equip and conduct to the field, they soon maintained constantly armed for the defence of their possessions. In the greater monasteries and churches, the prelates were the proper defenders; or, if an advocate was engaged, one was chosen who had nothing but his sword — who had no hereditary vassals, and who could not obtain a very extensive influence over the vassals of the church. Over their own clergy, too, their influence was much more visibly progressive. They were the official advisers of the crown: without their sanction, nothing important was undertaken; they were judges within their respective dioceses. Where, then, was the check which the clergy could oppose to their power?

"Another circumstance elevated that power into despotism. Amidst the frequent revolutions which, during the early ages, the church of Gaul and Germany sustained in its discipline, none were more remarkable than the rise and fall of the metropolitans. From the superior respect attached to the capital of each province, the metropolitan found little difficulty in convoking the provincial councils; and he had not only the consecration of the new diocesans, but an appellant jurisdiction over their decisions. The suffragan bishops soon took the alarm, and, in those councils, opposed with success the pretensions of their superiors. They were eagerly supported by the popes, who could not behold without jealousy, nor even without well-founded apprehensions, the rapid strides of the metropolitans towards the establishment of independent patriarchates, and the consequent annihilation of their own authority over the church universal. As the papal confirmation was necessary before any bishop could exercise the functions of metropolitan, the pallium, the symbol of investiture, was seldom remitted consecutively to two prelates of the same see; sometimes Vienne,

* Baluzius, Capitularia Regum Francorum, a. d. 789—830. Hartzheim, Concilia Germanica, tom. ii. pp. 16, 146, 871, &c. Mabillon, Acta SS. Ord. S. Ben. tom. iv. p. 494. (in vitâ Walæ).

sometimes Arles, now Lyons, now Sens, had the honour. Hence the metropolitan might, indeed, possess a primacy of honour, but none of jurisdiction beyond what was conferred on him for a particular purpose by the assembly of bishops. In these synods or councils, every thing of importance was transacted. But the bishops were not satisfied with their present increased powers; their next object was to deprive the inferior clergy of the rights which, from time immemorial, were attached to that character. Their greatest remaining usurpation, and that which rendered all others easy, was the administration of the ecclesiastical property, including the voluntary offerings of the faithful, the tithes attached to secular lands, and the estates which secular piety had bequeathed to the service of the altar. That the counsellor of the king, the judge of his ecclesiastics, the disposer of princely revenues, should acquire great power over his clergy, was inevitable. They were, in fact, as much subject to him, as much his vassals, as the slaves on any secular domain to their lord. That this power often degenerated into tyranny, and that the sufferers formed leagues to resist it, appear continually in the acts of councils. These acts in some degree mitigated the evil; but the chief remedy was furnished, first by the monastic orders, and next by the popes."*

In Germany, the metropolitans were not called into existence until their authority was on the decline; and, even if it had remained undiminished, the distance of Trèves, Mentz, and Cologne from the cathedrals of their suffragans, would have virtually abolished their power of superintendence. From the creation of the Germanic sees, they were independent of the archbishopries — those, perhaps, excepted, which lay in the vicinity of the metropolis; and even then the jurisdiction was rather of a feudal than of an ecclesiastical character. Hence there was long no check other than that of the authority of bishops over their clergy. But the introduction of canons in cathedrals placed in their hands a share, at least, in the administration of the property. This institution of chapters is one of the most striking subjects in the ecclesiastical history of the middle ages.†

* Europe during the Middle Ages, vol. ii. p. 157.

† Guizot, Histoire de la Civilization en France, tom. ii. et iii. (in variis Leçons). Fleury, Histoire Ecclésiastique, tom vi. vii. viii. (in a multitude of places). Schmidt, Histoire des Allemands, tom. i. et ii. passim. But the paragraph is chiefly founded on the councils in the collection of Hartzheim and Labbacus.

752 to 910. The institution of the communal life among the secular clergy was long an object of much anxiety to the saints and doctors of the church. When a clergyman was isolated on a cure remote from the eye of the bishop, he soon forgot the decencies of his station, unless habits of virtue had been acquired in youth and confirmed in maturer age. To place him in community with others, both in cathedrals and collegiate churches, where he would always be under the eye of a superior, and where those even of his companions must of necessity have a good influence on his conduct, was a wise improvement. If, in addition, a rule could be devised so exact as to govern all his actions as completely as that which prevailed among the monks, the good would be augmented. The first prelate who, as far as we can discover, attempted the introduction of communal life, was not St. Augustine, the great African doctor, but Eusebius of Vercelli.* Whether, however, this Italian bishop devised a rule for the government of the clergy, for whom he provided a house in common, may be doubted: he seems merely to have transformed them into monks. The case is equally doubtful of St. Augustine, who is said to have differed from Eusebius in this, — that, instead of converting his clergy into monks, he allowed them to remain seculars: he only insisted that they should eat, drink, sleep, and perform the offices of the church in common. Some regulations, indeed, even in this sense, must have been necessary; but, beyond a few general observations in one of his epistles, we have no means of arriving at a knowledge of their nature. Probably they were, in substance, traditionary, or founded on the canons of councils, with such additions as the saint's own experience suggested. From the Acts of the Apostles both prelates had learned, that to bring their earthly substance to one common stock, to renounce their individual portions, and to live hereafter

* Much learning, but more ingenuity, has been expended to prove that the institution of canons may be traced to the apostolic times. We have no wish to enter into the controversy.

on the whole, had been often practised in the earliest period of the church, and had been sanctioned by the apostles themselves. Their purpose appears to have been the same; subject, however, to the distinction we have intimated — that while the disciples of Eusebius were regarded as monks, those of the African were styled canons. But this is probably a distinction without a difference: if both were clergy, and lived in common equally without a rule, we know not that the diversity of terms by which they are designated constitutes a distinction; since, during the first five centuries of the church, the term *monk* was equally applicable to laymen and ecclesiastics—to those whom we now term monks and canons. We read frequently, indeed, of the *Rule of St. Augustine*, as binding on certain churches, both before and after the time of St. Benedict: but by the term we are to understand only the *manner of life* which that father instituted, or, at most, the directions for its observance, still extant in the epistle to which we have alluded. As an *order*, as forming a corporate body subject to certain determinate statutes, the canons regular of St. Augustine had no existence prior to the eleventh century. The utility, however, of the institute, governed as it was by a few conventional observances, was so apparent, that, at every subsequent step in the march of time, attempts were made to preserve or to improve it. Thus, in the pontificate of St. Leo I. (440—461), Gelasius, who had been the disciple of St. Augustine, and who afterwards filled the chair of St. Peter, was employed to reform the clergy of Rome, by placing them in community. For many ages they were known as the canons of St. John de Lateran, from the name of the church to which they were attached. From this parent trunk diverged at least five different congregations, all confined to Italy, and all distinct from the monks, who, from the time of St. Benedict, were subject to a rigorous rule. Pope Gregory the Great endeavoured to improve the system by founding convents, in which the observances of the canons were assimilated as much

as possible to those of the monks—to those especially of the Benedictine order, which was destined soon to comprise most of Christian Europe. Hence his monastery of Rome has been claimed by the Benedictine historians; and the men whom it sent forth into the world to preach the Gospel, such as St. Augustine of Canterbury, and his companions, have been generally considered as members of that great community. Other reformers imitated the conduct of St. Gregory, and admitted into clerical communities such parts of St. Benedict's rule as would apply to men whose chief duty was to mix with the world. It must, however, be obvious, that between those who were chiefly laymen, and who were not allowed to leave the cloister except for manual labour; and those who, as priests, were perpetually occupied in administering the public or private rites of religion; there must have been a wide gulf; and that, to both, many of the regulations could not have been made equally applicable. Yet, from the apostolic times to the institution of parishes, the clergy of each cathedral generally lived in common. Their habitations were contiguous to the church, and from them they proceeded, in bodies of two, or three, or four, to instruct the rural inhabitants. But they were not constituted into a corporate body, they were not subjected to certain code of regulations, they were not invariably designated as canons, until St. Chrodegang of Metz so far improved the system of St. Augustine, and indeed of all preceding clerical legislators, that he may be denominated the founder of our cathedral chapters, and of our collegiate bodies.*

700 to 766. St. Chrodegang was a native of Haspengau, a district on the banks of the Meuse; and probably born about the commencement of the eighth century. His family was one of the noblest in Austrasia. Educated at the monastery of St. Tron, he was introduced at the court

* Tillemont, Histoire Ecclésiastique, tom. vii. p. 522, &c. Thomassinus, Disciplina Ecclesiæ, pars i. lib. i. cap. 409. S. Augustinus, Epistola 109. Bonanni, Histoire du Clergé Séculier et Regulier, tom. i. pp. 126—130. Anon., Histoire des Ordres Monastiques, Religieux, et Militaires, tom. ii. chap. 1—8.

of the slumbering king of Austrasia, and became the chancellor and friend of Charles Martel. Here he had the good fortune to please his patron and the world: as a minister of state, he was zealous and faithful; but he was also the friend of the poor. Such, in fact, was his reputation, that in 742 he was elected bishop of Metz. But his services being as agreeable to Pepin as they had been to the father, he was not allowed to resign his office of chancellor; and he was intrusted with several important negotiations with Astolf of Lombardy and the popes. But he did not allow the business of a court to distract his attention from nobler things; and that he found time for the discharge of his episcopal duties, is evident from the few biographical details extant concerning him. The condition of his clergy early excited his attention. In his cathedral, as in all the rest which were not served by Benedictine monks, the communal life appears to have declined. The priests, indeed, dwelt in the vicinity of the church, either in the same edifice, or in communities of three or four in different edifices: but in neither case did they live as the people had a right to require. Many had private property, which they expended at their pleasure; all derived a certain sum from the permanent revenues of the cathedral; and in addition, each received what was offered him by the faithful: even at this early period, private masses were said for money — the most abominable abuse that ever crept into the church. In other respects, this mode of life, which was subject to all the temptations and distractions of the secular state, was unfavourable alike to the knowledge, the zeal, and the virtue of the canons. Of the rule which St. Chrodegang drew up for their correction, we shall offer no analysis, but merely advert to a few of the more striking articles.—In the preface, he laments the decay alike of morals and of discipline; and observes that, had the ancient canons, and the regulations of the holy fathers, remained in vigour, there would have been no need of new measures. In one important regulation

he differs from St. Augustine, who, on receiving a brother into the monastery he had founded, insisted, in the apostolic sense, on an absolute renunciation of all individual property; the convert being compelled to bring his whole earthly substance and throw it into one common heap; and from that stock to live thenceforward like the rest, at a common table, and in a common garb. Chrodegang, indeed, insisted that whoever was admitted into the chapter should make a donation of all his substance to the cathedral; but then he was allowed to retain whatever he might individually receive from the faithful for the administration of the rites of the church. It is surprising that this bishop should sanction so perverse a custom; to receive money for the visitations of the sick, or for confession, or for any other office of religion, was contrary to the canons, no less than to that higher authority which commanded that the Gospel should be preached without money and without price. This, however, was the only distinction between the inmates: in every thing else they were equal, except, indeed, as regarded the rank they held in the hierarchy. They had the same habit, ate at the same table, slept in the same dormitory, attended the offices of the church at the same hours, and were equally subject to the same regulations. At two o'clock in the morning, the canons, like the monks, arose to celebrate the nocturnal service. The interval between it and matins was employed in committing to memory, and chanting, the psalms. After the matins came the primes; which were no sooner recited than the canons assembled in chapter to hear the rule read or explained, or some devout homily; to receive any reprimand that had been deserved, and orders for their occupation during the day. Some were sent to visit the sick; some to labour in the fields; but all, unless their avocations carried them too far from the church, were expected to be present at mass, the great office of the day. Every day seven tables were laid in the refectory: one for the bishops, the archdeacon and his guests, or

strangers who happened to need hospitality; the second, for the priests; the third, for the deacons; the fourth, for the sub-deacons; the fifth, for the inferior grades; the sixth, for the abbots,—those, no doubt, dependent on the chapter; and the seventh, which was spread on festivals only, for the clergy of the whole city. Animal food was not forbidden, except during Lent and certain fast days, which, however, were very numerous. The office of cook was performed in rotation; none but the arch-deacon and a few other dignitaries being exempted. The more grievous offences, whether against the rule or against morals, were punished by imprisonment and public or private penance — the *degree* of punishment to depend on the will of the bishop. In 816, this rule being found inadequate, the council of Aix-la-Chapelle, at the instance of the emperor Ludovic I., made it the basis of one much more extended; but as the provisions of both are substantially the same, except that the latter is more minute, we need not notice them. Both evidently suppose that the common property was administered by the bishop and the other superiors; but after the death of Ludovic, a considerable change in this respect was effected. Whether, as is very probable, the bishop was too often and too long absent from his cure to superintend this necessary duty; or whether, as the canons were almost exclusively of noble birth, and of great family influence, they wrung from him the right to administer their own portion of the revenues; certain it is, that soon after the death of Ludovic, those revenues were divided, according to the ancient canons, into four portions. The first was willingly abandoned to the bishop: the second — that for the sustentation of the clergy — the brethren took into their own hands, and refused to allow him any control over the expenditure. In some chapters, they engrossed the management of a third portion, — that for the poor; but, in general, the third, and even the fourth portion, viz. that for the reparation of the ecclesiastical edifices, were

jointly administered by the bishop and canons. The greater part of the ninth century was decidedly favourable to the independence of the cathedral clergy. Gunther, archbishop of Cologne, was one of the first to amplify it. He not only confirmed their right of administering their own portion of the revenues, and of controlling the expenditure of the rest; but, by a public instrument, he renounced all claim to the appointment of the higher dignitaries of the cathedral; and admitted that, henceforth, not even the poorest prebend could be conferred without their sanction. Whether this increased independence improved the morals of the canons, may, however, be doubted; for though we certainly know that there *was* an improvement, we must rather refer it to the rule which Ludovic sent to the different churches of Germany and France, to serve to the uniform basis of discipline.

"From this time the lives of the secular clergy became much purer. Subject to an authority always present, — that of their prior; kept in check by the looks of one another; compelled to live secluded from the world, except when their visits to the sick or dying were required; austere in many of their observances as even the monks, and far more usefully employed, — in the instruction of youth, no less than in their parochial duties; they were soon regarded with new reverence by the people. As a natural consequence, they were enriched; for when it was perceived that their lives were devoted to the good of mankind, they were admitted to share, with their brethren of the cloister, the liberality of the pious. One might have supposed that the secular clergy, attached as they were to the world, and imbued with its vices, would resist their transformation into cœnobites; but of such resistance there is scarcely a record, while one powerful reason may be given why the change should have been hailed with satisfaction. Previous to the institution of this strictly communal life, and that of tithes, the bishop, as the steward of his diocese, had the uncontrolled management of the church lands and the voluntary offerings. We are every where told that he abused his trust; that, while he was engrossed by his own luxury and pomp, he left a precarious and an inadequate subsistence to his clergy. But the institute insured them a comfortable livelihood, without the cares inseparable from their former state; and, in addition, it

sanctioned the disposal of whatever property they might inherit."*

Unfortunately, however, in this world, all good is mixed with evil. As the canons became independent of the bishop, they also became too powerful for his superintendence. Often, indeed, he was absent; so that their only superior was the prior, who was one of themselves. If the bishop, as originally was the case in many, but subsequently in few communities, happened to become the prior, his authority devolved on the sub-prior, who had still less influence.†

But several of the cathedral churches were, from the commencement, subject to observances more strict than to those of the canons,—to the great rule of St. Benedict. Many of the missionaries were Benedictine monks, and they naturally placed their own brethren in the cathedrals that were now founded. Thus Willibald at Utrecht, Rupert at Saltzburg, Corbinian at Freysinga, Boniface at Mentz and in the four suffragan sees erected by him, and Willahad at Bremen, established Benedictine communities: we may add, that Ratisbon and Magdeburg appear also to have been monastic. (In the sequel, however, the monks were expelled from all, and replaced by canons.) Not the least remarkable circumstance in the discipline of these ages, is the fact, that several monasteries had bishops. By all of these houses, either churches or cells were founded for the use of the rustic population. As those dependent on the great monasteries were numerous, and often scattered over a wide extent of country, it became difficult to procure the services of a bishop on every occasion,—when altars were to be blessed, buildings or land to be consecrated, priests to be ordained, or children to be confirmed, dispensations to be granted, or any other

732 to 910.

* Europe during the Middle Ages, vol. ii. p. 163.

† Bollandistæ, Acta Sanctorum die Martii vi. S. Chrodegangus, Regulæ Canonicorum, passim (apud Dachery, Spicilegium, tom. i.; in Hartzheim, Concilia, tom. ii.). Anon., Histoire des Ordres Monast &c. tom. i. p. 63. Bonanni, Histoire du Clergé, tom. i. p. 126 Syn Coloniensis (apud Hartzheim, vol. ii. p. 356.). Schmidt, Histoire des Allemands, tom ii. p. 226, &c.

of the numerous functions inherent in the episcopal character to be exercised. To St. Denis of Paris, to St. Martin of Tours, the privilege of selecting a bishop from the community, in the person either of the abbot, or of a simple monk, was conceded at an early period; and the innovation was subsequently introduced into some other monasteries of France and Germany. We have observed as many as seven monasteries which had bishops; and the number might, doubtless, be amplified by more extended researches. It was, probably, in virtue of some such concession, that the abbots of Iona ordained missionaries for the Picts; yet it is not impossible, that, as missionaries themselves, they might enjoy the privilege. We have seen that, of those who undertook to carry the Gospel into pagan countries, some were consecrated to the episcopal dignity by the pope, though they had not, and probably never might have, a cathedral or a see. Thus St. Willahad was called, and, in fact, he exercised the functions of, a bishop," seven years before his consecration: "Septem annis," says his biographer St. Anselm, "prius in eadem presbyter est demoratus parochiâ; vocatus tamen episcopus, et secundum quod poterat cuncta potestate præsidentis ordinans." *

752 to 910. But a more interesting subject than either the government or the constitution of the church, will be the moral influence which, in a dark age, it exercised over the minds of men. Unlike paganism, which inculcated a mere outward obedience to a few moral precepts, Christianity descends into the heart; purifies the action through the motive; and, where human weakness has failed, exacts a severe penalty,—bitter remorse and tears. Though the sufferings of Christ were believed to have satisfied the justice of God, the benefits which they were designed to procure, could be attained by those only who fulfilled certain conditions, involved in obedience to the divine commandments. Where any

* Mabillon, Præfatio ad tom. iii. Actorum SS. Ord. S. Ben. pars i. p. xx. &c. S. Anselmus, Vita S. Willahadi (apud Mabillonium, Acta SS. tom. iii. pars ii. p. 801, &c.).

one of these conditions was violated, the sinner was, indeed, taught that the divine favour might be regained, but not without sincere contrition of heart and reformation of life. But of this contrition, what *measure* was to suffice? Must this be left to the penitent himself? If so, God only could know whether it had been adequate to the occasion—whether any degree of it existed at all. If the notion were diffused, that pardon could easily be obtained, the sinner, it was feared, would soon regard his offences as venial; he would have no sufficient check on his evil propensities; and his example must, of necessity, corrupt others. Hence the church interposed, and insisted, not only that contrition should afflict the heart, but that, in addition, public penance should be done for every transgression,—even for those which had escaped every human eye. Whether this system be in conformity with Scripture or reason, is no concern of ours: as historians, we content ourselves with repeating the well-known fact, that it pervaded all ecclesiastical antiquity; that it is to be found as early, at least, as the second century. The severity of the early canons, which protracted the most humiliating and painful penance, not only for months, but for years—not only for years, but the whole life—must often have struck every reader conversant with the pristine discipline of the church. We are amazed how human nature could submit to it; and no less striking is the fact, that the higher we ascend into antiquity, the more rigorous the penalties. As an introduction to the consideration of penance in the Germanic church, we will borrow the words of the abbé Fleury—one of the most honest and virtuous men that ever adorned human nature.

"What! you will say, protract the time of penance, even for one offence, fifteen and twenty years,—nay, for the whole life! What! retain the penitent for years outside the gate of the church, exposed to the contempt of the public! What! when, after their expiration, he was admitted into the edifice, to insist that during the service he should remain prostrate on the floor;

that he should have ashes on his head, and sackcloth on his loins; that his beard and hair should be suffered to grow; that he should live on bread and water; that he should seclude himself from the world, and renounce all intercourse with his fellows! Must not all this have driven the sinner to despair, and have rendered religion itself odious? So should I myself infer, if I consulted only the ideas of the present generation. But remember that I have not invented the instances I have recorded; they would never have entered my mind; that they are true, you may soon prove. I thus reflect: we have not made our religion; we have received it from our fathers just as they received it from theirs, until we ascend to the apostolic times. Wherefore we must bend our reason to the authority of those times, in regard not only to doctrines, but to discipline. And when I examine the reasons which induced the ancients to devise so severe a system of penance, I am constrained to approve them. Sin, they observe, is the disease of the soul; and diseases are not cured in a moment. To remove the sources of temptation; to dissipate the images of guilt; to assuage the passions; to comprehend the enormity of sin; to penetrate the hidden recesses of conscience; to eradicate evil habits, and to acquire those of an opposite character; to form steadfast resolutions; and to know, by experience, that our reformation is sincere; surely require no small portion of time. Often is a man deceived, without consciousness of the fact, by a temporary, however fervid, feeling. Besides, the length of the penance was well adapted to impress the sinner with horror for his transgression, and with a salutary dread of a relapse. He who, because he had committed an act of adultery, was excluded from the sacraments during fifteen years, had leisure to contemplate his crime, and to consider how much more dreadful his case would be, were he equally excluded from the hope of God's presence. How little soever a man were disposed to meditation, he could not, when temptation assailed him, avoid reflecting that he was about to incur, for a momentary pleasure, terrible consequences even in this life; that he must either sustain fifteen years of a most rigorous penance, or apostatise by reverting to paganism. The imagination is more affected by one year of present pain, than by the prospect of an eternity of pain hereafter. The publicity of penance had its effect, not only on the penitent himself, but on the spectators: the punishment of one sin prevented the commission of many; and human reputation became the auxiliary of faith. It is by slow degrees, says St. Augustine, that we recover that which has been very suddenly lost; for if man were immediately restored to his former state of happiness, he would undervalue the dread-

ful nature of sin. If we judge of this rigour by its effects, we shall perceive that it was most salutary. Never were crimes more unfrequent among Christians; never were more infidels converted, than when catechumens were most rigorously examined, than when penance after baptism was most severe; and in proportion as discipline has been relaxed, have manners become corrupt. The ways of God are not measured by human policy. Of this truth we have a confirmation, though on a small scale, in our religious communities. Those which have relaxed in their observances, though the object of that relaxation was to attract more members, decrease from day to day; whilst the most regular and austere houses are filled with

This is true to human nature, which is never satisfied with a medium. Where austerities are severe, they are cheerfully borne; where the discipline is mild, it is believed to be intolerable. A Carthusian monastery, from which wine and animal food are banished, and where the meals are not only coarse but scanty and few, receives more inmates than one of St. Benedict, where good cheer has long been proverbial. And daily experience will prove, that when a deist embraces Christianity, he does not assume the form most consonant, but the one most opposite, to his prior opinions: he becomes, not a Socinian, but a Roman catholic. — The severity of the ancient canons was at length relaxed; and an indulgence or commutation of the public penance was permitted to the weakness of nature. Of the substitutes provided for it, fasting was the most common; the next was almsgiving, which could be obligatory only on those who had something to give; and lastly, praying, which was applicable to all times and circumstances. It was not, however, without considerable reluctance, that prayers or alms were allowed to supersede the rigour of fasting: but the labouring man, whose bread depended on the strength of his body, had an acknowledged claim to the indulgence; and it might be advanced with equal appearance of justice by

* Fleury, Histoire Ecclésiastique, tom. viii. Discours sur l'Histoire des Six Premiers Siècles de l'Eglise, p. xx.

the sick, the infirm, or the constitutionally feeble. What was originally granted, through necessity, to a few, policy soon extended to many. As the condition of absolution, he who had wealth contributed largely to the church and to the poor; nor were the ecclesiastics averse to an innovation so closely allied with their interests. But let it not be supposed that public or private penance; that exposure day after day to a whole multitude; or the most rigorous abstinence, or the most assiduous prayers, or the most abundant alms; were thought availing, unaccompanied by deep contrition of heart. In all the canons, in all the epistles of the fathers, in all the penitentials of antiquity and of the middle ages, the notion is constantly and earnestly inculcated; that, without such contrition, without a thorough reformation of life, there can be no remission; that the absolution of the priest is but a vain formality; that the most rigorous austerities are useless.* Nor were there wanting divines who loudly condemned these indulgences to human frailty. The enjoyment of forbidden pleasures, say the fathers of the council of Cloveshoe, should be punished by the destruction of lawful gratifications: alms and prayers are certainly useful, but they were intended as the auxiliaries, not as the substitutes, of fasting. Councils still more ancient were equally opposed to the remission of the public penance. But despite of expostulations from some, and of reasonings from others, the church was compelled to

* How often, and in defiance of all authority, the notion that pardon would be obtained for *money alone*, has been diffused by party writers, must be known to the reader. See Mr. Townsend (Accusations of History against the Church of Rome, letter x.). The truth is, that while, from the protestant, contrition and amendment only are required; from the Roman catholic, not only are these exacted in an equal degree, but, in addition, the austerities we have mentioned. Ninety-nine out of every hundred books that are published, deserve, for their misrepresentations, — whether these misrepresentations spring from ignorance or design, — to be committed to the flames. But in Mr. Townsend's case it is ignorance only — gross ignorance. He is too honest a man, and too excellent a clergyman, *wilfully* to distort truth. Whether ignorance, however, be any plea for the mischief his book has occasioned; whether, where correct information is to be easily gained, it is creditable to a scholar and a dignitary; we leave to his own reflection. We can only express our sorrow that his pen should be so perniciously employed.

bend before her children. But a long time elapsed ere any recognised code of penance, as superseding the ancient canons, was devised. Nor is this wonderful. "So numerous and nicely discriminated are the gradations of human guilt — so complicated the circumstances which aggravate or lighten its enormity—that to apportion with accuracy the punishment to the offence, will frequently confound the skill of the most able and impartial casuist."* Collections, however, were in force as early as the sixth century, which, though founded on the ancient canons, contained some important mitigations of their severity. Passing over those of Italy, or Spain, or even Gaul, as irrelevant to our present purpose, the first penitential with which we are acquainted as binding on the German converts, is that of Halitgar, drawn up at the request of the archbishop of Rheims, early in the ninth century. In a letter to Halitgar, Ebbo complains of the diversity of the penitential guides followed by the priests of the time, and of the consequent difference in the punishments enforced in the spiritual tribunals. Halitgar, who is highly praised for his knowledge of antiquity, accomplished the task imposed on him by the metropolitan. In his preface, he has many sentiments which fully establish the observations we have made — that all penance was idle that had not its seat in the heart; that canonical punishments are designed merely as helps to internal reformation. The time of penance, he observes, for many offences has not been fixed, but left to the discretion of the priest; "because, with God, the measure of sorrow, not that of time, is availing." From this compilation, which is entirely taken from the ancient canons, we will extract a few articles, that the reader may contemplate, at his leisure, the moral influence of Christianity at this period.†

* Lingard.

† Labbæus, Concilia, tom. i.—iv. passim. B. Adrianus, Epitome Canonum, p. 266, &c. (apud Canisium, Thesaurus Monumentorum, tom. ii.). Fleury, Histoire Ecclésiastique (ubi suprà). Basnage, De Halitgarii Libro Penitentiale Observatio, p. 83. Halitgarius, Præfatio de Penitentiæ Utilitate, p. 88. (apud Canisium, tom. ii.). Wilkins, Concilia, tom. i. (*Concilium Clovesshovense*).

850. Omitting the first three books, which are rather directions for penance than penal enactments, the fourth brings us into the heart of the subject. Whether the penance was to be public or private, Halitgar leaves to the priest; but, though he recognises the latter, he shows his bias to the former. He insists, however, that if they who have committed the more serious offences, are received into a religious edifice during the celebration of divine service, they should in no wise be admitted to the Lord's Supper; that by fasting and almsgiving, by prayer and tears, they should daily and hourly seek forgiveness from Heaven.[1] He who voluntarily committed homicide, was to do penance during the whole of life[2]; if involuntary, during five years,— a mitigation of the ancient canons, which exacted seven.[3] The woman who destroyed her new-born child, or procured abortion, was anciently doomed to perpetual penance: we more humanely, says Halitgar, enjoin ten years'.[4] But he who killed his own slave, had only a penance of two years, — a melancholy proof that the church was not wholly exempt from the barbarism of the times.[5] The present law relates to the *homo proprius*,— the lowest grade in the scale of servitude. The lady who chastised her handmaid (*ancilla*) to death, was, if the act were voluntary, punished with seven; if involuntary, with five years of penance, and held excommunicate.[6] This difference in the punishments arises from the fact, that the ancilla was next below the grade of *liberta*, or freedwoman, — she was the highest link in the purely servile chain. But, in another regulation, the Christian church has no such plea to offer. The Roman law permitted an unmarried man to keep a concubine, provided he *adhered to her alone;* it was sanctioned by the Christian emperors; it is in the

[1] Halitgarii Penitentiale, lib. iii. cap. 8.
[2] Lib. iv. cap 1. from Concilium Ancyr. cap. 21.
[3] Ibid. cap. 2. ab eodem Concilio Ancyr.
[4] Ibid. cap. 3.
[5] Ibid. cap. 4. ex Concilio Agathensi, cap. 35.
[6] Ibid. cap. 5. ex Concilio Illiberitano, cap. 5.

present compilation of Halitgar; and by Alonso el Sabio it was inserted into the *Siete Partidas*. If he ever married, he was to put away his concubine; and if he were afterwards connected with her, he subjected himself to a seven years' penance.[1] We must observe, however, that this was an indulgence which the church barely permitted, in consideration of prevailing manners; nor is it improbable that some kind of ceremony was performed before the parties were allowed to cohabit; but whether in an ecclesiastical or civil sense, we cannot infer. Indeed, we lay no great stress on the hypothesis: we give it merely as an *impression* which we have somewhere seen reason to admit. But in this little code, as in the sources from which it is derived, we sometimes observe a melancholy disproportion between crimes and punishments. Though a man might have his concubine, and escape the censures of the church; if he successively married two sisters, he was sentenced to no less a doom than perpetual penance.[2] If a nun broke her vow, by fleeing into the world and marrying, she remained perpetually excommunicate; nor was she allowed to commence her penance before the death of the man.[3] Perjury was visited with seven[4], theft with five years' penance.[5] Against the priest who married, or was convicted of one single act of adultery, the sentence of degradation, and of penance equivalent to that obligatory on a layman, was decreed.[6] Nor must we forget, that all these rigours were in addition to the pecuniary compensation awarded by the laws.[7]

Of nearly equal antiquity, perhaps, with the fore- 850.
going, is the collection of canons published by D'Aichery, in the eleventh volume of his *Spicilegium*. The compiler is unknown; but that he lived after the time of Halitgar, is evident from his adopting the preface of that

[1] Halit. Pen. lib. iv. cap. 12. Las Siete Partidas, part iv. tit. 14.
[2] Halit. Pen. lib. iv. cap. 14. [3] Ibid. cap. 19.
[4] Ibid. cap. 28. [5] Ibid. cap. 29.
[6] Lib. v. cap. 1. ex Concilio Cæsar.
[7] Halitgarii Episcopi Cameracensis, De Judicio Penitentium Laïcorum, apud Canisium, Lectiones Antiquæ, tom. ii. p. 88—113.

writer. It is far more copious than the preceding, but we shall notice those chapters only which tend to throw light on the manners of the period. During the time of penance, no man was to engage in mercantile pursuits, "because, between the buyer and the seller, it is almost impossible that sin should not intervene."[1] For the same reason, no penitent, however noble, could repair to the field before the expiration of his prescribed term.[2] This fact accounts for the tenacity with which secular princes resisted the excommunication of their vassals, of whose services it necessarily deprived them; and, in an age when the canons were broken by thousands, we need not be surprised at the degree of resistance. And that the doom might be the more dreaded by the individual, the ancient canons decreed, that if he were married, he should, however young, abstain *usu matrimonii*. But the grave fathers soon discovered that human nature was too much for their absurd regulations; and they were forced to allow, by way of indulgence, that the man, if young, and unable to contain himself, *ad uxorios transiret amplexus*.[3] Some of the laws regarding the clergy are strict. None were allowed to enter a tavern[4], or a fair[5], or travel from one place to another, except with the bishop's letters, and on business of the church.[6] If one were intoxicated, he fasted a month, or was subjected to corporal punishment.[7] None were to attend marriage feasts, or any entertainments where singing or dancing was allowed.[8] He who practised the magical arts, was deposed, and confined during life to a monastery.[9] They were forbidden to hunt, or to rear any of the animals neces-

[1] Collectio Antiqua Canonum Pœnitentialium, lib. i. cap. 4.
[2] Ibid. cap. 5.
[3] Ibid. cap. 8. en Concilio Toletano, vi. canon 8. except when travelling.
[4] Lib. iii. cap. 51. ex Concilio Laodicensi, cap 24.
[5] Ibid. cap. 54. ex Concilio Illiberitano, cap. 16.
[6] We have misl-id the reference to this canon.
[7] Ibid. cap 57. ex Concilio Agathense, cap. 42.
[8] Ibid. cap. 58. ex eodem Concilio, cap. 40.
[9] Ibid. cap. 59. ex Concilio Toletano, iv. cap. 29.

sary for the sports of the field.[1] But this canon was very inadequately enforced: of hunting clergy we read in every generation. Nor did they want courage to justify their disobedience. These dignitaries were permitted to engage in battle, and kill men; what inconsistency to prevent *them* from merely killing the noxious beasts of the forest? No presbyter to officiate in two churches, or hold two cures[2], — a regulation that was enforced for ages with salutary rigour. Pluralities are comparatively of modern growth; to the disgrace of England, and of the protestant church, they are more frequent in this country than they ever were in the whole of the Christian world taken together. — The duties of the bishop are carefully defined. He was to keep near his cathedral an hospice for the reception of the poor, strangers, and pilgrims[3]; he was to provide food and raiment, as far as his power extended, for the destitute — for those especially who were unable to work[4]; he was to keep a frugal table, to have nothing costly about it; to place his dignity in his morals and zeal. At the present day, the table of an English bishop is more splendid than was that of a monarch during the greater part of the middle ages; and how many cathedral dignitaries — nay, how many of the parochial clergy — display an abundance of plate and a costliness of viands, the value of which would mitigate or wholly remove the more severe distress of the neighbourhood, need not be urged here. The truth is, that the English protestant church has shown a greater facility in rejecting the evil, than in adopting the good, of its predecessor, the Roman catholic; and that, while the latter is rapidly purifying itself from the corruptions entailed on it by the feudal system, the former plunges deeper and deeper into the worst vices of the world.[5]

[1] Ibid. cap. 87. ex Concilio Agathense, cap. 56.
[2] Ibid. cap. 104. ex Concilio Chalcedonensi, cap. 10.
[3] Ibid. cap. 128. ex Concilio Carthaginensi, iv. cap. 13.
[4] Ibid. cap. 130. ex eodem Concilio, cap. 15.
[5] Collectio Antiqua Canonum Pœnitentialium, lib. i. ii. iii. (apud Dacherium, Spicilegium, tom. xi. p. 29—188.).

856. Another penitential — that of Rhabanus Maurus, the celebrated archbishop of Mentz, — was promulgated for the use of the Germanic church, probably even before the one we have just noticed; but its canons are very similar to the preceding. In that of the abbot Rhegino (*Speculum Pœnitentiæ*), no less than in the ecclesiastical laws which he collected, some there are too interesting to be omitted. The laws seem to have been collected by Rhegino, for the use of the bishops in the periodical visitations of their dioceses; the regulations concerning penance were, of course, for that of the priests and of the penitents themselves. Some idea may be formed of the social state in Germany, from the very first questions proposed by the priest in the confessional. Had the penitent committed homicide? Had he cut off the feet or hands, or plucked out the eyes of any one? Had he committed perjury? or adultery? These crimes, let us remember, were not occasional, but of perpetual recurrence: they entered into the ordinary business of life. Many, too, were the questions which regarded magic, the belief of which was diffused throughout Europe, and was more implicitly received in Germany than any where else. This belief was a remnant of pagan times; and paganism itself was by no means banished from the more isolated districts, even in the tenth century. Minute were the enquiries, whether any one had offered sacrifices to the deities of old; if oblations had not been made to them in the neighbourhood of consecrated trees, fountains, and rocks. And it was asked, with equal earnestness, whether any women professed to change the hearts of others from hatred to love, or love to hatred: whether some did not boast of intercourse with demons; of attending their nocturnal assemblies on the backs of beasts, or even of broomsticks. Nor is the penitential of Rhabanus without a few striking passages. He who ate with Jews was suspended, *ut debeat emundari*, from the use of the sacraments. Not merely the touch, but the very

presence, of these people was believed to convey pollution.*

II. But we must now glance at the intellectual state of the church during the Carlovingian period; a subject, however, which will not detain us long. To commence with the useful arts, which, in the order of things, precede other objects of knowledge. For them, as for every other thing of value, the country was indebted, though immediately to the church, ultimately to Charlemagne, the author of its civilisation. Before his reign it had not one respectable edifice. The palaces which he built at Aix-la-Chapelle, Nimeguen, and Ingelheim, served as models for his princely subjects; structures which, though the ruins remaining in recent times do not impress us with a very high notion of them, were doubtless both spacious and magnificent, compared with what Germany had hitherto seen. In the same manner, bridges of wood were multiplied. The first of which we have any record, was thrown over the Rhine at Mentz; and though it was burnt in the time of that emperor, the counts, bishops, and abbots zealously profited by the example. The mechanical arts, however, must of necessity have been in a low state, when men were averse to congregate in towns, — when, in fact, scarcely a town existed, — and when the artisans belonged to some particular domain, with which they were transferable like the rest of the live stock. Thus a capitulary of Charlemagne, in which he enjoins the superintendents of his numerous and extensive manors to see that the workmen were skilful, acquaints us with the various arts of the period. Makers of roads, shoemakers, goldsmiths, blacksmiths, braziers, weavers, fullers, bakers, net manufacturers, brewers, armourers, and numerous other denominations of industry,—all in a more or less rigorous state of ser-

752 to 910.

* Rhegino, Speculum Pœnitentiæ; necnon Leges ab eo Congestæ (apud Hartzheim, Concilia Germanica, tom ii.). Pœnitentiale Rhabani, cap. 27. et 30 (apud eundem; necnon apud Canisium, Lectiones Antiquæ, tom. ii. p. 309.). Schmidt, Histoire des Allemands, tom. ii. p. 211.

vitude,—were located on each of the royal farms. But as the very existence of men depends on agriculture, which, in the infancy of civilisation, is the only art cultivated with constancy and success, we may infer that nine tenths of the Germanic population were engaged in it. Another capitulary (*de Villis*) of the same monarch, proves the care which he applied to this pursuit, and every other branch of rural industry. At Christmas, every superintendent of a manor was required to make a return of its state; to declare what number of fields yielded a rent in produce, and what number were cultivated under his own eye; what number of oxen, sheep, pigs, poultry, and game it possessed; what was the produce raised by the fields, such as corn, roots, hemp, fruits; what quantity of wine, beer, vinegar, wool, eggs, honey, had been yielded; what profit had been derived from the mills, roads, boats, bridges, forests, fairs, markets, and wine-houses, which were always the property of the feudal superior; what number of men were employed on the manor; how many of them, and how many of the beasts of burden, had died or been disabled; with a multitude of other matters, that would seem too minute for the notice of a great emperor. But, in the eye of reason, nothing is too minute, which can be made available to the good of society; and the higher the individual, the more influential his example on the rest. From the same regulations we incidentally learn that the arts were not exclusively those which we now denominate necessary. That Charlemagne encouraged with success those of horticulture and of botany, is evident from the names of fruits and plants which have long ceased to be known beyond the hotbeds of the scientific gardener. Yet, if we may judge from the frequency of famines, we may doubt whether agriculture was so much improved as from these facts we might infer. If many of these were visitations of Heaven, many also might have been averted by skill. Thus the *Annales Fuldenses* mention

famines in 850, 868, 873, 874, so severe that three fourths — an evident exaggeration, however — of the rural population perished for want; and in 870 and 878, most of the cattle were removed by unknown disorders. Skill is the result of accumulated experience; and ages are required to create it. Let us add, that some circumstances of a physical, some of a moral nature, were highly unfavourable to the progress of the art. Among the former, may be enumerated the vast forests and the extensive marshes; the severe frosts, and frequent rains which covered the country. Among the latter, one eminent historian reckons the boundless exercise of hospitality, which was not only recognised by immemorial custom, but rendered obligatory by positive law on the inhabitants: yet surely this must have had an opposite effect to the one ascribed to it. If every pilgrim — and the number in that age was prodigious — and every traveller could demand hospitality as a right, his perpetual liability to such a demand must have quickened the industry of the countryman; since, if his stock of produce were not far more considerable than was necessary for his support, he would certainly be overtaken by want. And, though the exercise of hospitality was binding by the famous capitularies of 802, and the following year, we may doubt whether it was so ruinous to the cultivator of the ground as is generally represented. In general, both pilgrims and travellers would prefer the hospice of a church or convent, the palace of a prince or a bishop, the manor of the sovereign or the residence of a noble, to the cottage of the rustic. In some one of these places, a man was sure to meet with a supply of his wants; nor could the burthen be so heavy on the peasant, or the poor free proprietor, as we are required to believe. But though no stress is to be laid on this cause, there are others which have a foundation in nature. Of these, the most powerful is the degradation in which the servile class, the cultivators of the ground, were held. In the lan-

guage of the civil law, they were *res, non personæ;* their labour was not their own property, nor did it in any degree tend to their advantage: how, then, could they be expected either to exercise more ingenuity, or to work more vigorously, than was required by the task-master? Yet, after all deductions, we cannot shut our eyes to the fact, that agriculture was considerably improved in the empire; nor must we omit to state, that, for much of this improvement, the country was indebted to the monks. In whatever place these extraordinary men were located, they soon showed what could be effected by willing minds, still further influenced by the sacred obligations of duty. From incontestible evidence we know that luxuriant meadows were soon made to start from the fens, and ample harvests to wave on the sandy plain or the black mountain.—The *commerce* of the period was chiefly exercised by Jews, who, from the ninth century at least, perhaps long before, were numerous in Germany. However hostile their interests to that of the community at large,—and it requires little knowledge of political philosophy to discover that, from their mode and spirit of traffic, they have been, and be, a curse to every nation which harbours them,—they knew how to maintain their ground. A seasonable offer to a needy sovereign, a seasonable loan to a spendthrift noble, were of more avail than the opposition of the people. Nothing can better prove their influence in the state, than the fact, that they could violate the canons with impunity. From the unquestionable testimony of Agobard, we learn, not only that they could have Christian servants and marry Christian women, but that they could have as many Christian concubines as their wealth could purchase. To say, continues the prelate, that people thus provided with every earthly enjoyment were under the curse of Heaven, seemed strange to the faithful.—Though, among the articles of this commerce, skins, horses, precious stones, and other things were com-

mon, *man* was the staple commodity. No West India planter, even at the worst period of that infernal system, could form an idea of the extent to which the traffic in slaves was carried, not in Germany only, but throughout Europe. That well-known fact—the exposure of English youths in the slave market of Rome—led to the mission of St. Augustine to the island. The Venetians supplied the great mart of Constantinople with myriads; and the Mohammedans of Spain were also supplied by the Jews of Germany and the pagans on the shores of the Baltic. With that anxiety for the welfare of the poor, which has ever distinguished the church, rigorous penalties were, by various councils, decreed against the man who should sell a slave beyond the confines of Germany; and in the episcopal visitations, no less than the confessional, one of the first questions asked was, whether the penitent himself had violated this canon; or if he had been privy to such violation in others, and had neglected to denounce it. Above all, the bishop demanded, whether any Jews could be convicted, or were suspected, of the traffic; for that they were deeply implicated in it, and in some other transactions still more criminal, is evident from the unbiassed voice of antiquity. We may here observe, that whenever a class or sect of men are exposed to public hatred,—not a transient but durable feeling,—that hatred cannot have been wholly unmerited. We dwell on the persecutions sustained by that people—persecutions disgraceful alike to society and to religion—but we forget the provocations which had led to them. However modern liberality may raise the smile of affected or real incredulity, the fact is no less certain, that the career of the Jews has been one of infamy to themselves, and most injurious to the nation which has harboured them.—But though the influence of the church circumscribed, it could not extirpate, the evil, which continued to exist until the lords of the soil discovered that there was more advantage in suffering the slave to

remain, and in stimulating his industry, than in selling him to a foreign market. And at an early period — probably as early as the tenth century — the evils of the home traffic were greatly mitigated. By the feudal laws, no serf could be sold or alienated without the land which he cultivated: he was, in the strict sense of the word, *glebæ adscriptus;* he was born, he lived, and he died on the same domain,—a merciful system, which, by preserving unbroken the bonds which bound him to his family, his fellows, and his lord, enabled him to bear his lot with resignation. Leaving this digression, we may observe, that if renewed enterprise be any proof of intellect, the state of the ninth and tenth centuries must have been higher than the four preceding. So far we assume; that this increased enterprise called new arts into existence, and perfected those which existed already,—the only advantage which commerce ever produced; but whether even *it* be not counterbalanced by inevitable evils, will sometimes be doubted by the reflecting reader.*

752 to 910. While the arts of life were cultivated by the great body of the people, under the fostering care of the church, the clergy were not insensible to the improvement of literature. The foundations of liberal studies were laid first in the schools attached to the cathedrals and monasteries by the English missionaries; and that the knowledge acquired in these infant establishments was far from contemptible, is evident from the literary monuments of the period. Of these establishments, those which owed their existence to the zeal of St. Boniface were the most flourishing: at Fritzlar, Fulda, Utrecht, Mentz, and in monasteries of less note than the two former, youths were educated, who

* Eginhardus, Vita Caroli Magni, passim. Baluzius, Capitularia Regum Francorum, sub multis annis, præsertim 802, 805, 809. Marculfus, Formulæ, lib. ii. fol. 49. Agobardus, De Insolentiâ Judæorum, necnon Epistola ad Nebridium (Opera, tom. i.). Schmidt, Histoire des Allemands, tom. ii. liv. 3. chap. 9. Mabillon, Acta SS. Ord. S. Ben. tom. iii. Præfatio ad Partem i. (De Cultu Soli Germanici).

were soon capable of instructing the surrounding barbarians in the duties of religion. Charlemagne, with that enlightened policy which governed his general conduct, zealously continued the work which the Anglo-Saxons had begun; and subsequent missionaries completed it. The monastery of Corbey, in Westphalia, equalled in literary success the celebrated establishment of that name in France; both might deservedly be placed on a level with many universities of a subsequent age. Though its fame, and that of Fulda, eclipsed the rest, Lauresheim, Hertzfeldt, St. Gallen, Trèves, Prum in the forest of Ardennes, Hirsaug in the diocese of Spires, and many others, zealously contributed, even at this early period, to the diffusion of letters. Of the studies prosecuted in these places, theology was naturally the most prominent, because the most important; but to understand this science, the knowledge of many others is necessary. History, not only ecclesiastical, but civil; the canons of councils; the epistles of popes and doctors; were indispensable accompaniments; and the basis of all were grammar, rhetoric, and dialectics. We may add, that arithmetic, astronomy, geometry, music, and natural philosophy, were almost invariably associated with the knowledge of theology, history, and the canon law: they constituted, in fact, a part of the usual course of education, as much as theology itself; and no education was considered as complete without them. The science, indeed, of this period we are accustomed to despise, but the feeling is not warranted by the case. The works of Bede and Alcuin, which were of standard authority, will indeed appear to considerable disadvantage when compared with those of present times. Yet in both these writers, however superficial might be their acquaintance with some things that, to be understood, require the accumulated experience of ages, there is an extent of erudition to which no modern writer can pretend. Moral truth is eternal; though the forms of communicating it may vary, it re-

mains unchanged as the universe. That it constitutes the most voluminous and the most valuable portion of our knowledge, nobody but a utilitarian, who has neither intellect to apprehend nor taste to feel whatever transcends his material circle, will deny. In grammar, taken in a more extended sense, we know not that, during the last two thousand years, much has been added to our knowledge; in logic, the improvement has been as insignificant; in theology, we are far below the first four centuries of the Christian era; in moral, or political, or metaphysical philosophy, we have little reason to boast; in poetry we are inferior, though in history we are much superior, to ancient times.*

752 to 910. The period, however, before us is very barren in literary names relating to the Germanic church. Of its celebrated churchmen, most were natives of Gaul; and of those who were born in the German provinces, nearly all have been noticed in an historical work connected with the present. Thus, of St. Ambrosius Autpetus†, Paschasius Radbertus‡, Ratram of Corbey §, and Hincmar of Rheims ||, sketches may be found, not, indeed, equal to their merits, but as copious as the present taste could bear. Their works, indeed, though often on subjects of considerable importance, and exceedingly useful for the theologian, have a repulsive look. In regard to the *historians*, or we should rather say chroniclers, there are several; but they are almost destitute of merit. Their only object might have been to relate a fact in the fewest possible words; or where some of them, as the monk of St. Gallen ¶, expatiated, they did so, not to describe the social state, still

* Mabillon, Præfatio ad Partem i. Tomi iii. Actorum SS. Ord. S. Ben., p. xxiv. &c. Rhabanus Maurus, De Institutione Clericorum, lib. iii. cap. 18, &c. Schmidt, Histoire des Allemands, tom. ii. liv. 3. chap. 8. See History of Europe during the Middle Ages, vols. ii. and iv., for sketches of Bede and Alcuin, and of the intellectual state of these times.

† Europe during the Middle Ages, vol. ii. p. 244.

‡ Idem, vol. iii. p. 330, &c. in the controversy on Transubstantiation.

§ Ibid. 330—336. || Vol. ii. p. 259.

¶ Vol. ii. p. 255, &c.

less to speculate on the motives of princes, but to detail some barbarous legend — to dwell on the supernatural merits of some relic or shrine. Eginhard and Rhegino of Prum, indeed, are almost uniformly sober; and though their manner is dry, they contain some interesting facts. But, as *compositions,* no historic work of this period deserves our attention. Hence, of the many names which, during the Carlovingian period, were connected with literature, we shall notice two only, *Rabanus Maurus* and *Walafrid Strabo.**

Raban, a native of Mentz (776), was first educated in the monastery of Fulda; but the fame of Alcuin led him to Tours, to finish his studies under that celebrated Englishman.† On his return, he was placed over the school of that monastery; and its distinguished reputation from this period must be chiefly ascribed to himself. By his care the library was greatly amplified; and some of his disciples were eminent writers of the church. But in the midst of his success, his hopes were suddenly destroyed by the abbot Ratgar, who is represented as a great tyrant. Whether Ratgar *fully* deserved the reproaches bestowed upon him, may, perhaps, be doubted: as far as we can collect the facts of the case, he appears to have thought that there was too much praying, and too little working; and in this persuasion he abridged many of the holidays, and subjected all to manual labour. Complaints were carried before Charlemagne, who repressed the severity of the abbot; but after the monarch's death, he not only, we are told, transformed the monks into serfs, but absolutely prohibited the use of books. That even Raban, the head of the school, which appears to have been suppressed, was deprived of his writings, is evident from his verses to the abbot, in which he humbly requests their restoration. They are curious in another respect, as showing

776 to 856.

* The chronicles in the collections of Struvius, Menckenius, Duchesne, and others. Ceillier, Histoire des Auteurs Ecclésiastiques, tom. xv. &c. The Monks of St. Maur, Histoire Littéraire de la France, tom. v. passim.

† See Europe during the Middle Ages, vol. ii. p. 247., and vol. iv. ch. i.

the despotic power exercised by the religious superiors over their communities: —

" Te, Pater alme virûm, Monachorum atque optimè Pastor,
Invoco propitium ipse tuus famulus;
Ut tua nunc pietas miserum me exaudiat alma.
Ad te clamantem, rector ubiquè pius!
Jam mihi concessit bonitas tua discere libros *,
Sed me paupertas suffocat ingenii.
Me quia quæcumque dicuerunt ore magistri
Ne vaga mens perdat, cuncta dedi foliis.
Hinc quoque nunc constat glossæ parvique libelli,
Quas precor indigno reddere præcipias.
Servi quidquid habent, dominorum jure tenetur,
Sic ego quæ scripsi omnia jure tenes.
Nec mihi ceu propria petulans hæc vindico scripta;
Defero sed vestro omnia judicio.
Seu mihi hæc tribuas, seu non, tamen Omnipotentis
Divinitas semper det tibi cuncta bona;
Certamenque bono cursu consummet honesto,
Cum Christo ut maneas semper in arce poli."

Though this epistle, says Mabillon, who cannot withhold his indignation when he hears of a Benedictine brother hostile to literature, was enough to move a breast of iron, it had no effect on the barbarous Goth.† The monks, in consequence, fled from his jurisdiction; and the renowned Fulda, consecrated by the zeal and the relics of St. Boniface, became a solitude. This misfortune is pathetically lamented by Raban, who, while visiting, in the habit of a pilgrim, the holy places of Italy, and even of Palestine, intimates that his heart was at Fulda. At length Ludovic I. permitted the brothers to make a new election; and the choice fell on St. Eigil, a patron of letters, whose elevation was immediately followed by the return of the monks. In

* From this verse we should infer that the abbot had not always been a Goth; that he had even sent Raban to Tours. This, indeed, is asserted by a contemporary writer, who mentions other youths similarly favoured, and who speaks in high praise of Ratgar. Probably the abbot intended to cure one extreme by another.

† "Movisset ferreum pectus tam justa, tamque modesta oratio, at saxo cantum est."

822, on the death of Eigil, Raban was elected to succeed him. During the twenty years of his government, the school flourished far beyond all previous example; the abbot confining himself to theology alone, and confiding instruction in the liberal arts to competent teachers. We leave to the monastic chroniclers the task of recounting his administration of that splendid monastery, the chapels and churches he founded or repaired, the cells which he endowed; while we speak only of his more intellectual labours. Here he composed the greater portion of his works. His first was a treatise *De Institutione Clericorum*, which exhibits a very evident desire to see the clergy not only pious, but learned. To understand the Scriptures, as he truly asserts, a mass of other knowledge is requisite: history and the canon law, logic and moral philosophy, he positively enjoins; the knowledge of Greek appears to have been indispensable; that of Hebrew he recommends; and though he is less successful in demonstrating the utility of arithmetic, geometry, music, and astronomy, he considers them a proper part of the scholastic course. His commentaries appear to have been his favourite works: on the first eight books of the Old Testament, with those of the Kings, Esther, Jeremiah, Ezekiel, and on the Gospel of St. Matthew, he commented with great applause. Of these works we shall merely observe, that they exhibit an extensive acquaintance both with holy Scripture and the fathers; but that, if they have the merits, they have also the vices, of the former ages; and these, in addition to the vices of his own. The eagerness with which he seeks for mystical interpretations, for discovering wonderful properties in numbers, and analogies in every thing, contrast ludicrously with his erudition. He also composed a work on the Universe: but let not the high-sounding title lead the reader astray; it contains little more than a collection of such passages of the Scriptures and the fathers as relate to God, angels, devils, men, animals, and an explanation of the more difficult terms

occurring in the theological course. Yet science could not be in a low condition: the works of Bede, with ingenious commentaries on him, were in every monastic library; and with these Raban was certainly well acquainted.—But the path of the abbot was not to be one of uninterrupted tranquillity. The monks of Fulda, 150 in number, exclusive of lay brethren, domestics, and labourers, were always an unruly community. The interests of those tottering with age, and of those just entering on the communal life, could not well harmonise; many were of birth so high, and of families so powerful, that submission to a superior without these advantages, they held to be degrading; and all belonged to some faction. That disgraceful scenes in the monastery of Fulda were not unfrequent, is too evident. What gave rise to the contention between the monks and Raban, we are not informed: we only know that, in 842, he resigned his abbatial dignity; and, that the act might be irrevocable, he left the monastery until a new abbot was elected. He then returned; not, indeed, to the house, but to a hermitage in its vicinity; nor could all the entreaties of Lother I. induce him to reside in the court. That a court in these days was not much superior to one in modern times—that it was then, as now, the seat of perdition—may be inferred from a passage in that emperor's epistle to the new hermit:—"Plus enim interiorem hominem rustica montium solitudo, quam regalis urbium pulchritudo delectat, ubi nulla liventis invidia tranquillum pectus hilari mentitur intuitu, nec fucati sermones adumbrata blanditiis artifici scelere mutua fabricatur astutia." In this retirement, the veteran (he was rapidly verging towards his seventieth year) passed five years entirely occupied with sacred literature. There he hoped to conclude his mortal career; but, on the death of Otger archbishop of Mentz, he was forced from his retreat, and was invested with that high dignity. If he was advanced in years, he had lost nothing of the zeal which accompanied

him in his youth — a zeal always accompanied by discretion. The canons which he caused to be adopted in the first council of his pontificate, are distinguished for their application to the evils of the times. A great master of penance*, he extended its obligations to every class of Christians; and he stood up for the rights of the civil, no less than of the ecclesiastical, part of the population. But two individuals appear to have occasioned him more trouble than all his duties. The first was a woman, who, laying claim to the gift of prophecy, proclaimed that the end of the world was at hand; yet she seems to have taught that the evil might be averted by the pious, for in this view she did not hesitate to accept of some valuable gifts as the price of her intercession. Among her dupes, were some of the clergy, and multitudes of the common people. Before the fathers of Mentz, however, who cited her to appear, her miraculous pretensions failed her; and she was even forced to acknowledge that she had a priest as her instigator, and that the hope of gain was her only motive. A public whipping effectually cured the credulous. But Gottschalk† gave him and the church a thousand times more anxiety than this female impostor. Possessed of little learning, and of so little judgment as to be unable to distinguish between the prescience and the power of God, rash in his speculations, and vainly fond of disquisitions on subjects forbidden to man, this monk amazed the world by boldly proclaiming that predestination was inconsistent with free will; that from the bosom of eternity some individuals were doomed to virtue and to life everlasting, while others were as certainly predestined to vice and never-ending misery. "Running exactly counter to the Pelagians — who, by almost annihilating the influence of the Divine Spirit over the soul, erect free will into something little short of deity — he maintained that all virtue, as all vice, the

* See p. 94. of the present volume.
† See Europe during the Middle Ages, vol. ii. p. 265.

lot of men in this world and in the next, are but the results of God's eternal decrees; consequently, that man is the blind instrument of destiny, helpless alike for his own weal or woe.* We are accustomed to stigmatise the darkness of the age before us; but whether it was any darker than one so much subsequent, when the same monstrous doctrine was held by Calvin and Knox, we leave to the judgment of the unbiassed reader. By no ecclesiastic was it received with greater contempt than by Raban. Hearing that the brother, who appears to have been something of a vagabond, had travelled to Italy, and was under the protection of count Eberhard, he wrote to that nobleman: — "I learn that you have in your household a half-learned monk, named Gottes-chalk, who maintains that the predestination of God, as contained in holy Scripture, necessarily destroys the free will of man; so that he who would be saved, however he may strive by faith and good works, strives in vain, unless he be ordained to life eternal. By his heresy, this man has already plunged many into despair, or into neglect of all moral and religious duty. Well may they exclaim — 'Why need we be anxious about our salvation? unless it is fore-ordained for us, vain is all anxiety and all labour; and if it be ordained, the decree must be fulfilled, whatever our own conduct.'" In disproving this error, the archbishop could easily show that it was founded on a mistaken apprehension both of St. Paul and of St. Augustine. But though this letter forced the monk from his asylum, it did not prevent him from disseminating his doctrines. The following year (848), we find him at Mentz, defending them before the Germanic council. They were, however, condemned; and the heretic was sent to his metropolitan (he had originally professed in the monastery at Orbais, near Soissons), who was to reclaim him by canonical authority. The affair, however, did not end

* See Europe during the Middle Ages, vol. ii.

here: it occasioned the meeting of another council, when the obnoxious tenets were again condemned; and a long course of controversy followed, the substance of which has been related in another place.* The archbishop survived this controversy a few years, occupied in reading, in writing, in the exercises of religion, and the duties of charity, until death called him away in 856. He was, beyond doubt, a great and good man. His boundless alms, his unwearied zeal, his active piety, are not more conspicuous than his erudition. But if he was thus learned, and careful to follow the opinions of the fathers; if his deference for authority, which he revered as sacred, held him in the path of orthodoxy; we know not that we can greatly praise his judgment; and of critical discernment he was incapable. Yet he was a better theologian than Hincmar; and, on the whole, he may safely be regarded as among the most distinguished of Alcuin's disciples: he had few equals, and not one superior. From his works, however, we shall give no extracts; since, if they would gratify the curious, they would be tasteless to the general reader.†

Of *Walafrid Strabo* we know little. That he was born in 806, appears from his own admission; since in 821, when he wrote his first verses, he was in his fifteenth year. Educated in the monastery of Augiæ, since called Reichenau, where he professed, he there gave in his Latin verses the earliest proofs of ingenuity — in a *foreign* language, since the Teutonic was his mother idiom. For much of his proficiency he was, doubtless, indebted to Rabanus Maurus, under whom, in the monastery of Fulda, he afterwards studied. It was probably while here, that he was so poor as to be com- 806 to 849.

* Europe during the Middle Ages, vol. ii. p. 263.

† Annales Fuldenses (sub annis). Candidus, Vita Venerabilis Eigilis, p. 228. Rudulfus, Vita Beati Rabani, pp. 1—19. (apud Mabillon, Acta SS Ord. S. Ben. Sæc. IV. partes 1. et 2.). Mabillon, Observationes Prævia et Elegium Historicum (ubi suprà). Bollandistæ, Acta Sanctorum, die Feb. iv. Fleury, Histoire Ecclesiastique, tom. x. (sub annis).

pelled to write to the abbot for a pair of sandals to cover his naked feet: —

" Hrabano patri per verba precantia Strabus,
Ante aliquot menses spondebat epistola nobis;
Huc autumnali venturos tempore missos
Usibus ut nostris ferrent, quæ nostra popescit
Paupertas, sed spes miserum me vana fefellit.
Quò sic suspensum improvisa perurget egestas
Sed licet innumeri pulsent mea pectora quæstus
Plus tamen impugnat, quod nupidalia cogar
Ecce pati, ni vestra prius solatia nostros
Respiciant casus, verbis ut pauca monenti
Occurrat, quæ sit cunctis largissima mater
Vestra manus, valeas per sæcula cuncta precamur."

But this was, doubtless, an accidental necessity, while absent from his own community; for he was not always thus unfortunate. In 842, he was elected abbot of Augiæ; and before, as well as after that event, he could boast of the friendship of his most eminent contemporaries. — But the works are of more consequence than the man. He is the author of the ordinary gloss on the Scriptures, which was in general use down to the fourteenth century. It consists of short notes, extracted from Raban and other sources; but has nothing of his own, except the condensation and the style. His geographical treatise is well known; and no less so is his work *De Divinis Officiis*, which is chiefly an explanation of the sacraments, institutions, and rites of the church. On them, however, we shall not dwell, but consider him in the only character that can interest the reader — his character as a poet.*

824. One of the most remarkable poems of Walafrid is his *Visio Wettini*, which he composed in his eighteenth year. This Wettin was a monk of Augiæ, and almost as celebrated for his visions as the Irish St. Fursi.†

* Canisius, Lectiones Antiquæ (Præfatio ad Poemata Walafridi Strabonis, tom ii p. 176). Basnage, Observationes de Walafrido, p. 179. (in eodem tomo). Fleury, Histoire Ecclésiastique, tom. x. p. 404.

† See Europe during the Middle Ages (Cab. Cyc.), vol. iii. p 184.

One Sunday, in the year 824 (October 29th), the monk, feeling indisposed, retired to his pallet. There he had a dream which terrified him greatly. The cell, he thought, was suddenly filled with horrid devils, headed by the prince of darkness, who surrounded him with the purpose of carrying him away: but in this extremity he was not forsaken by the divine mercy. A host of heavenly inhabitants appeared, majestic in look, all in the monastic habit, and put the fiends to flight. An angel of dazzling splendour descended, and began to comfort him in Latin — the Teutonic was fit only for men and devils — and, after sweet colloquy, the vision ended. Opening his eyes, he found that his prior and one of the monks were at his bedside, and to them he related what he had seen. The other brethren were called; and Wettin, prostrated on the floor, besought their intercession, for he felt that his situation was a critical one. After the recital of penitential psalms, and of many prayers, he besought them about midnight to seek their pallets, and leave him also to repose. The vision was renewed: the angel he had before seen appeared standing at his head, and gloriously arrayed. The celestial one praised his devotion, and exhorted him to persevere, particularly recommending to his recitation Psalm 118. This time, however, the visitant did not leave him; but led him, by a way wonderfully pleasant, to a region of high and beautiful mountains, the bases of which were surrounded and washed by a river of fire. In that river was a multitude of souls condemned to expiate their evil deeds by torments; and many of these he recognised. The description of the monk is curious, as showing the moral state of the times, and the opinions of men. In one conspicuous place, were all the bishops and priests who had committed fornication, with the women who had consented to their lust. We must, however, observe, that the term *concubinage* in this age is almost wholly applied to the *marriages* of priests; and that the instances where mere mistresses were kept,

must have been exceedingly rare, since both the ecclesiastical and secular judges were eager to punish such offenders: nay, by one canon, the peasantry themselves were empowered to lay hands on an incontinent pastor, and bring him before the proper authorities. Into the peculiarity of the punishment we will not enter. The angel observed, that priests were fond of the courts of princes, — a truth, we fear, of universal application, — of splendid apparel, and worldly consideration; and that the luxuries in which they indulged, naturally led to the enormous vice of incontinence. In this part, however, the monks might be sought in vain: with the secular priests, they must not herd even in the next world. Yet imagine not that they were spotless; since, for their purgation, a huge castle of fire was provided, in which they were inclosed, and the smoke of which not only blackened the building, but ascended in huge volumes. One of the inmates was mentioned by the angel as doomed to expiation unto the judgment-day: his crime was that of Ananias and Sapphira. Being directed to survey the summit of this castellated mountain, he saw an abbot who had died ten years before. If the very reverend dignitary thus escaped the fire, he was as powerfully assailed by the smoke, the winds, the rain, the frost; for who can doubt that there is the same war of the elements in purgatory, as on earth? And in another place was a portly bishop, whose only fault, as we can gather, was his neglecting to pray for the soul of the abbot. But these churchmen excite little interest in comparison with another and most august sufferer.

"Here, also, he perceived a certain prince, who had formerly held the sceptre of Italy and of the empire, standing sorrowfully, all his body being free from pain, except one part, which was perpetually gnawed by a certain animal.* Great, overwhelming, was his surprise, that such a man, unrivalled in that age for his protection of the catholic faith and of holy church,

* "Verenda ejus cujusdam animalis morsu laniari."

could be thus cruelly punished. The angel observed, that, though this prince had done many great and good things acceptable to heaven, and though of his due reward he should in no wise be deprived, yet in lust he had persevered during a protracted life, as if the obscene disposition were indulgently granted to human frailty, and might be covered by a multitude of good works. But yet, added the angel, he is predestined to life eternal."

That this prince was Charlemagne, the reader has already divined. Lubricity, indeed, was the besetting sin of that emperor, who deserved canonisation just as much as his successor and namesake Charles V. This dream of Wettin, — for merely a dream it is, embellished, perhaps, by the biographer, — shows the opinion which the cotemporaries of Charlemagne entertained of his character. In purgatory, as in a lower place, there is abundance of good company. In one corner, the monk perceived the habitation of the counts, for whom the demons pompously prepared horses, armour, mantles, and knightly apparel of gold and silver — all burning, however, with intolerable heat. Here, too, we have a glimpse into the manners of the times. That the counts should be rapacious, tyrannical, and corrupt, we might readily believe: but the monk assures us that they were the representatives of so many devils; and that their only delight, as their only occupation, was to torment mankind, — or rather let us say the *righteous* portion of mankind, for the wicked they beheld with peculiar favour. Respecting these functionaries, we give his own strong language: "Munerum prævention cæcati, pro mercede futurorum nihil agunt. Sed enim mundanas leges pro coercenda mali audacia administrant, *damna legalia quæ debitoribus infligunt absque misericordiâ, et quasi jure sibi debita* suæ avaritiæ reponunt, hic iterum invenienda. Justitiam vero spe futurorum nunquam agunt: *sed cum eam gratis offerre omnibus pro æternitatis mercede debeant, semper eam venalem, sicut animam suam portant.*" Whether a few

of these observations might not justly be applied to some parts of a judicial system nearer home, is well worth the reader's consideration. Unfortunately, we have here no dreamers: the race of Fursi, and Wettin, and John Bunyan, is extinct; and conscience slumbers undisturbed. — From purgatory, the monk and his celestial guide proceeded to paradise. Nothing, of course, could exceed the beauty of that region, or the happiness of its inmates; but the brother could not be as much at ease, when the angel told him that the following day he would die. "But let us," observed the guide, "engage those holy priests as intercessors." The glorified churchmen immediately rose from their seats, and falling before the throne of the Invisible, while the monk stood trembling at a distance, the awful voice which issued from the inaccessible glory was not very consolatory to him: he could only distinguish a few words, but those few were of melancholy import. "This one should have been a good example to others, but he was not!" Now, what hope could remain after this repulse to such intercessors as St. Denis, St. Martin of Tours, St. Benedict of Aniana, and St. Hilary? But from the glorious company of saints and confessors, the two next advanced to the noble army of martyrs, whose prayers they equally besought. The martyrs, with the same promptitude, hastened to the ineffable throne; and the reply, though equally awful, afforded him a glimmering hope. "If he will recall into the way of truth, those whom he led astray by his example, or by his teaching, there is hope!" —"But, Lord!" was the rejoinder, "how may he do this?" Let him, was the substance of the reply, assemble all whom he may have seduced; let him confess his crime, warn them of his guilt, and of their danger, demand their forgiveness, and beseech them, in the name of Heaven, not to repeat the offence. But another company must be sought,—that of the virgins consecrated to God, who were requested to pray for a long life. The

last reply was, that, if his repentance were sincere, the prayer should be granted. We are now regaled with a sermon by the angel; the text — the vices of the ecclesiastics, and of the world in general. On opening his eyes, the monk related to his brethren what he had seen, and caused the admonition he had received to be written on waxen tablets; for, as he was doubtful whether the long life which had been promised him, referred to his days in this world, or to the everlasting enjoyments of heaven; and as the express words of the angels caused him to adopt the latter solution; he resolved that the lesson should not be lost. The following morning he fulfilled the divine injunction by prostrating himself before the abbot, and some brethren of the community, deeply acknowledging his offences, and beseeching them to intercede for him at the throne of God. Finally, after exhibiting the most sincere repentance, and making all the reparation he could, he died at the time predicted by the angel; thus placing beyond doubt the meaning of the divine promise.*

The evidence for this remarkable vision is more decisive than any ever produced for similar portents. Hetto wrote it on tablets, from the mouth, and in the presence of, Wettin: the following year, Walafrid, who was of the same monastery, and, perhaps, was present at the scene, verified the relation of Hetto; and not only Germany, but the Christian world, immediately received the vision as genuine. That Wettin sincerely delivered it as he had seen it, may be readily inferred. He was seriously indisposed; his death had been foretold as close at hand; and a man of religious feelings, and impressed so deeply with that most awful of obligations, truth, was not likely to deceive others. That he really dreamt what he related, — at least, in its more essential parts;

* Hetto, Visio Wettini Monachi Augiensis, pp. 265—271. (apud Mabillonium, Acta SS. Ord. S. Ben. tom. v.). Baluzius Tutelensis, Epistola ad Mabillonium (in eodem tomo). Basnage, Observatio de Walafrido Strabone, p. 180. (apud Canisium, Lectiones Antiquæ, tom. ii.). Fleury, Histoire Ecclésiastique, tom. x. p. 218

for we will not venture to assert, that when the relation was transferred from the tablets to parchment, some embellishments might not be added, — cannot be doubted. Here there is no room for the exercise of incredulity: if the vision of Wettin be rejected, so may any or every fact in history. Whether, however, it was the effect of an excited imagination, or whether it was a revelation from above, has been disputed. For our own parts, we incline to the former as the only rational hypothesis, especially when we regard the impress which the vision bears of the monk's religious creed. But what, to our present purpose, is of much more consequence, this dream led to the poem of Walafrid, *De Visionibus Wettini;* a poem, let us remember, written in the author's eighteenth year, — an age which, if favourable to imagination, is not so to purity of diction, or to the powers of judgment.*

After an introduction, which, as it relates to the earlier history of Reichenau, and its two preceding abbots, is wholly original, Walafrid brings us to the subject of the vision. He describes the sickness of Wettin, his first sleep, the appearance and dispersion of the demons, the consolation of the angels, in the same manner as Hetto, but with much amplification, and proceeds: —

" His igitur dictis, assumens ang'lus idem
Infirmum, duxitque viâ præcessor amenâ;
Dum vadunt, montana vident quæ sidera tangunt
Marmoris in specie, pulchro commista colore,
Quæque in circuitu præcingens igneus amnis
Ambit, inexhaustos tribuens intrantibus ignes.
In quo multa nimis monstrata est turba reorum.
Inque locis aliis diversa facta sequentes
Agnovit pœnas, multosque recumbere dudum,
Quos habuit notos. Ibi major et altus in undis
Ordo sacerdotum præfixo stipite vinctus
Terga dedit vinclis, quæ curis carne superbis
Contra quemque stetit, mulier pro crimina stupri

* The same authorities.

Fomes adulterii, est consors pœnalis averni:
Tertia cum radios semper produxerit aura,
Dicuntur cœdi genitalibus artubus ambo;
E quibus ille aliquos sese cognosse ferebat.
Magna sacerdotum munero pars, angelus inquit,
Lucra petunt terrena quibusque inhiantur adhærent;
Atque palatinis pereuntia præmia quærunt
Obsequiis, ornantque magis se vestâ politâ,
Quam radiis vitæ; pomposis fercula mensis
Glorificare parant animarum lucra relinquunt,
Deliciis ducti per scorta ruendo volutant."*

As we have already given the substance of this description, we need not translate it; nor, for the same reason, the passage containing the punishment of Charlemagne: —

" Contemplatur item quemdam, lustrante pupillâ,
Ausoniæ quondam qui regna tenebat, et altæ
Romanæ gentis, fixo consistere gressu
Oppositumque animal lacerare virilia stantis,
Lætaque per reliquum corpus cui membra carebant.
Viderat hæc, magnoque stupens terrore profertur,
Sortibus hic hominum, dum vitam in corpore gessit
Justitiæ nutritor erat, sæcloque moderno
Maxima pro Domino fecit documenta vigere,
Protexitque pio sacram tutamine plebem:
Et velut in mundo sumpsit speciale cacumen,
Recta volens dulcique volans per regna favore.
Ast hic quam sævâ sub conditione tenetur,
Tam tristique notam sustentat peste severam
Oro refer. Tum ductor in his cruciatibus inquit,
Restat ob hoc quando bona facta libidine turpi
Fædavit, ratus inlecebras sub mole bonorum
Absumi, et vitam voluit finire suctis
Sordibus, ipse tamen vitam captabit opimam."†

If this poetry be not of the highest order, it has yet some merit. The following is more poetical: —

* Walafridus Strabo, De Visionibus Wettini (apud Canisium, Lectiones Antiquæ, tom. ii. p. 212.; necnon apud Mabillonium, Acta SS. Ord. S. Ben. tom. v.).

† Walafridus Strabo, De Visionibus Wettini, p. 212. The initial letters of these verses are " Carolus Imperator." A pretty fellow this to be canonised!

" Vidit et innumeras diverso sorte phalanges
De Monachis, gradibusque aliis, populique senatu
De variis locis longe patriisque remotis,
Hos gaudere hilares, illos frendere gementes;
Hos paradisus habet, discindit tartarus illos,
His visis multisque aliis, quæ scribere longum est,
Quæque stylus currens strictâ brevitate relinquit,
Ducitur ad quædam præpulchra mœnia sedis
Quæ naturali consistere mole ferebat.
Hoc opus immenso nituit splendore coruscans,
Acubus effulgens, variisque ornatibus aureis;
Argentique gerens multum structura metallum.
Præbuit arte oculis anaglifa, pascere mentem
Mœnia quæ tantum latam longamque tenebant
Mensuram, pulchrumque statum, mirabile factum.
Altaque per volucres pandebant culmina ventos,
Quantum nulla potest intentu mentis in visum
Claudere tractandi, nec quis sermone fateri."

Though there are some instances of vicious construction, some very inartificial, rugged, and careless verses, in these extracts; still, if we consider the age in which the author lived, and his youthful years, we must admit that they afford us no unfavourable evidence on the literature of the period. But Walafrid, in an age more mature, composed verses much superior to these. For them, however, we have no space; nor do we think they would be of sufficient interest for the general reader. The selections we have already made, would show all that we intended to show,—the qualifications of Walafrid as a poet.*

To the vernacular literature of Germany we shall not so much as advert. The field is too vast a one for our limits,—for any but a separate work. Nor is this much to be regretted, as two branches of that literature —romance and poetry—have been rendered sufficiently accessible to the general reader; the first in Weber's "Illustrations of Northern Antiquities," the second in Taylor's "Historic Survey of German Poetry." Neither,

* Walafridus Strabo, De Visionibus Wettini, p. 214. In the Lectiones Antiquæ of Canisium, the learned reader will find that the poetical works of Walafrid, comprising near 100 folio pages, are not to be despised.

indeed, is either critical or comprehensive; for their limits were too circumscribed for the purpose: but if the one, in an ample quarto, and the other, in three large octavos, were thus constrained to usher into the world a very imperfect work; what madness would be *ours*, if, in a single chapter,—and no more than a chapter could we spare,—we attempted to grasp so vast a subject? We must confine ourselves to the intellectual state of the *church;* and not more than a glance can we take even at it.*

* Weber and Jamieson, Illustrations of Northern Antiquities, 4to. Edinburgh, 1814. Taylor, Historic Survey of German Poetry, 3 vols. 8vo. London, 1830.

CHAP. II.

UNDER THE HOUSES OF SAXONY, FRANCONIA, AND HOHENSTAUFFEN.

911—1271.

I. STATE OF THE GERMANIC CHURCH. — JURISDICTION EPISCOPAL AND ARCHIDIACONAL. — CHRISTIANITY IN BOHEMIA. — ST. LUDMILL. — ST. WENCESLAS. — ST. ADALBERT OF PRAGUE. — ST. GUNTHER. — ST. ROSNATA. — ST. AGNES. — ST. UDALRIC. — ST. WOLFGANG. — ST. HENRY. — ST. CUNEGUND. — ST. SIMEON. — ST. WILLIAM. — ST. ELIZABETH. — ST. HILDEGARD. — ST. HILDEGUND. — II. GLANCE AT THE INTELLECTUAL STATE OF THE CHURCH. — CREDULITY AND GROSS SUPERSTITION, ILLUSTRATED BY EXTRACTS. — CESARIUS OF HEISTERBACH. — ROSWITHA, NUN OF GONDERSHEIM. — METELLUS.

I. Religion.

911 to 1271. In regard to the government and constitution of the German church during the long period before us, we know not that we have much now to offer in addition to what has been said in the last chapter, and in the former volume of this compendium. In one or two respects, indeed, that church exhibits some peculiarity. 1. In many, the monks, who in the ninth century held most of the cathedrals, were replaced by canons; yet the innovation was affected so gradually that it was scarcely perceived: certainly it made little impression at the time; nor do we learn its existence, except from brief intimations in the more obscure ecclesiastical chronicles. 2. The cathedral chapters became gradually less dependent on the bishops, until they had the final disposal of their own revenues. In some cases this exemption appears to have been obtained by imperial charter, in others by purchase from the actual prelate.

3. The nomination of bishops by the crown, which has already been so frequently noticed in different parts of the present work, is a subject that needs no further discussion. The reader has only to recollect, that, though the forms of election were observed, there was no such thing as freedom in the choice, until 1122, when the celebrated concordat was concluded with the Holy See*; and that, though the evil was greatly reduced, it was not wholly extirpated, until the rapidly declining power of the crown after the fall of the Hohenstauffen dynasty annihilated its influence in the church as every where else. 4. But if the canons, as the electors of their spiritual head, now enjoyed greater consideration, and were in some respects independent of him, let us not suppose that *he* lost much in power. He was now a feudal baron; he was the acknowledged leader of the military forces in his dioceses; he could summon them to his standard whenever he had need of their services; he was the judge of his vassals; he was a member of the great diets, and an official adviser of the crown. The whole history of the period proves that the bishop was amply consoled for the diminution of his spiritual, by the augmentation of his temporal, power. The mitre was now an object of ambition to princely families, and was very seldom on an ignoble brow. This evil was not inferior to the one which the popes, with so much difficulty, had extirpated. The candidate was never chosen for his qualifications; the riches and power of his family were his best recommendations; and we know that the electors were generally eager to make the best bargain they could for their votes. That ch votes were always bought; that every dignity in e Germanic church was venal; is one of the most notorious facts in history. Where the candidate had no money, nor other means of corruption at his immediate disposal, still he could surrender to the canons some right or privilege of his office: hence the *pacta* between the chapter and the candidate, which became as

* Vol. I. p. 154.

notorious as those between the prince who aspired to the imperial dignity, and the secular electors. In all these cases, there was not only indifference to religion, but open perjury; since every ecclesiastical elector swore that he would give his suffrage gratuitously; that he had not received, and never would receive, any personal consideration for his vote; which should be in favour of the most worthy. To the frequency with which applications for absolution were made to the papal chair by these perjured churchmen, evidence is borne by several popes; and the crime itself may be inferred from almost every German chronicle of the middle ages. 5. Again, the communal life, which St. Chrodegang and others had been at such pains to establish, was fallen into disuse. Except in the few cathedrals which were served by monks, the canons were not compelled to live together. That separate establishments were necessary, is evident from the number who, in the time of Gregory VII., had wives. In the sequel, though ecclesiastics, as they became less dependent on the crown, and more so on the papal chair, were obliged to put away their women, they still remained secular canons: in general, they neither ate at the same table, nor resided in the same house. Some, on the contrary, who had ample revenues independent of their benefices, and who aspired to higher dignities, distinguished themselves by the magnificence of their establishments. 6. Many of the observations respecting the bishops, will apply with equal justice to the abbots. They, too, were either princes of the empire, or powerful barons. Their exemption from the episcopal jurisdiction laid the foundation of their greatness. Some of them, indeed, enjoyed that jurisdiction in virtue of their consecration; and, for a time, some were the vicars of the diocesans. From the violence of the age, however, they were much less secure in their possessions than the bishops. They were more frequently with their flocks; they were less warlike; they were consequently more exposed to the rapacity of the nobles, and still more of the emperors,

who, it is certain, often conferred the revenues on some favourite, under the pretext that they had no other means of rewarding their most faithful servants. But, doubtless, the imperial rapacity was in this respect confined to the monasteries which were originally on the royal domain, or to those which, at least, were of royal foundation; for we cannot suppose that any of the electors or princes, whose ancestors had founded any monastic establishment, would allow the sovereign to exercise any influence over it. In this, as in all other cases, where sovereigns have been allowed to interfere in the affairs of the church, that interference has been fatal to religion. This insolent rapacity often left the monks without adequate means of subsistence; and deprived both the stranger and the poor of the relief which, from the very origin of monasteries, they had been accustomed to receive. 7. In regard both to bishops and abbots, it may be observed that they were seldom able to resist secular cunning or violence. We have seen how the advocates abused their trust; the vassals were no better. Often a dignitary could rank princes, electors, nay, even the emperor, among his feudatories; but the more powerful, they were the less likely were they to fulfil the obligations they had contracted. If, instead of defending the lands of his church, they encroached on them; if they forced away his produce, or added another of his estates to the fiefs they already held from him; where was his remedy? In the diets, there were too many secular princes interested in the abuse, for him to hope that his appeal could be successful. In other countries, a national council might sometimes have been convoked with effect; but in Germany, after the tenth century, national councils had no existence. There were synods convoked by different archbishops; but these had no influence: when combined, they were incapable of withstanding a single elector. 8. Over his suffragans, the archbishop had a mere primacy of honour, but none of jurisdiction. They would have resented his inter-

ference in their internal concerns with as much jealousy as the electors resented that of the emperors. Where the metropolitan has not a recognised jurisdiction; where he cannot at any time convoke a provincial council, and procure its sanction to measures which are necessary for the preservation or restoration of discipline; where such jurisdiction is not frequently exercised and where such councils are not frequently convoked; no church can prosper. 9. In the churches dependent on cathedrals and monasteries, we find another abuse peculiar to the period under consideration. They were of necessity served by vicars; and it generally happened, that the priest who offered to discharge the duties for the lowest remuneration, had the preference. Often, when one was in possession of a cure, another would go to the chapter, propose his services at a cheaper rate, and thereby procure the expulsion of the other. In all cases, the chapter took care, before a vicar was appointed, to exact certain conditions, which were in general exceedingly unfavourable to him. Hence, while all the members of these bodies, while all the dignitaries of the Germanic church, were noble and rich, too proud for the discharge of the active duties of the priesthood, and eager to sacrifice every thing to their own personal advantage, the real labour devolved on men, who, alike by meanness of birth, and deplorable poverty, and want of learning were often the least qualified to perform it efficiently. From the canons of more than one synod we learn that the cure of souls was an occupation beneath the dignity of the well-born, and fit only for the burgesses; who were graciously permitted to embrace holy orders, that their labours might secure to the nobles the leisure becoming their station in society and the church. The abuse was very naturally imitated by the lay patrons, who left to the parish clergyman never more than was barely sufficient for his most pressing wants—often a pittance so miserable that he was compelled to raise the chief portion of his maintenance by other

means. In 1261, the synod of Mentz, after drawing a picture of monastic avarice, — though, if the fathers had been more impartial, they would have applied it with equal justice to the cathedral chapters, — observes, that there were few cures able to support the pastor.*

One of these subjects, however, — the jurisdiction of the bishops, — we must not dismiss so briefly. To this period may be referred the origin of many ecclesiastical tribunals. The episcopal jurisdiction changed its form, and no longer remained what it had been. Formerly, it was generally administered by archdeacons, especially during the necessary absence of the bishop on the service of the empire. As the Germanic dioceses were very extensive, he often nominated several archdeacons, of whom each presided over a district. These archdeaconries were subdivided into deaneries, each under a dean or archpriest. One great error was committed here, — that of suffering this archidiaconal dignity to be united with a capitular one, — generally with the priorship of the cathedral and other chapters. This usage had greater consequences, from the fact, that the diocesan had little influence over the appointment of the prior; and it not unfrequently happened, that the exercise of his jurisdiction fell into hands where he least liked to behold it. The archdeacons soon regarded it as a right naturally attached to their office, not as an employment held from him; and he could not, even if so disposed, repress the endless abuses which they committed. So long as affairs were summarily decided in the churches; so long as the synods were occupied with the reformation of manners, whether of clergy or laity; the office of archdeacon excited no great envy. Where, however, not only moral or religious offences, but even violations of law, came under the cognisance of these functionaries; where

911 to 1271.

* The preceding paragraph is founded on the chronicles of three centuries; on the Acts of the Germanic Councils; and on the public instruments in the collections of Pfeffinger, Schannat, and others. To particularise the passages would require a full page.

fines had to be exacted, no less than penance to be imposed; the ecclesiastical tribunals took another form. To restore his own authority, no less than to circumscribe that of the archdeacons, he began to nominate *officials*, who were to sit with the archdeacons, and who depended immediately on himself. In Germany, as in England or France, the limits of the temporal and spiritual jurisdictions were not defined; and many cases arose, in which an able casuist only could decide whether the parties should appear before the episcopal or the feudal courts. One thing, too, is certain, — that the equity of the former was favourably contrasted with the violence and corruption of the latter; and that the people themselves were eager to carry every cause before churchmen. As, from the fines which were imposed, and which formed the basis of the Germanic jurisprudence, the secular tribunals thus lost one great source of advantage, we cannot wonder at the opposition of the sovereign and princes. They decreed severe penalties against every man, who, unless the charge lay manifestly beyond the cognisance of the courts secular, should presume to cite another before a court ecclesiastical. The very necessity for such penalties does little credit to them. It is, however, impossible to say how far the jurisdiction of the archdeacons, and of the episcopal officials, extended. Though they took cognisance of most cases, — probably they had none in cases of moment, — which appear to have been reserved for the decision of the episcopal synods; that is, the synods (usually annual) convoked by the bishop in the seat of his diocese, not those convoked by the metropolitans, and denominated provincial. But if these tribunals effected much good, it was not unmixed; for, instead of enforcing the canonical penance against offenders, they often accepted money by way of indulgence. Thus the obligation to fast any given number of months or years, might be redeemed by money; of which, though a great portion was applied to works of mercy, much, doubtless, remained for those who sanctioned the

abuse. From the poor, who could not at the same time labour and fast, and who could not purchase the indulgence, the obligation of repeating a certain number of psalms and prayers was received as an equivalent. This system of indulgences, this remission of the ancient canonical penance, in consideration, whether of money or of prayers, was the most abominable abuse of the middle ages; and it was execrated by every enlightened churchman — by none more zealously than several popes. Many ecclesiastics, indeed, attempted to justify it, on the ground that it was no longer possible to maintain the ancient rigour; that, owing to the decline of religious fervour, the severer canons were impracticable; that the church was compelled to bend before the obstacles opposed by human nature, by altered times and circumstances; that, if the regulations were strictly enforced, whole provinces, even whole nations, must remain excommunicate; that a punishment shared by so many, would be no punishment whatever; and that the pecuniary composition, so consonant with the maxims of feudal jurisprudence, was a good — since its amount must necessarily tend to deter from crime, and must be usefully employed in the service of the church and of the poor. In these allegations there was much truth; yet one consideration was artfully kept in the shade,—that indulgence was not merely the effect, it was in an equal degree the cause, of the relaxed discipline. But the pecuniary mulct could not always be exacted. The archdeacon and the official had seldom the means to enforce the sentence, if the offender were a noble; if he were of higher rank, he often defied even that of a provincial synod. Some princes, as the landgrave of Hesse, and some cities, as Grunberg and Frankenberg, protected all who were dependent on them, against the decrees of synods, and encouraged all to resist the payment of the commutation. Hence the church suffered in two respects,—by the disuse of the canonical penance, and by the loss of the pecuniary mulcts. Hence, too, the competency of the episcopal tribunals became more and more

narrowed until it was confined to cases where the rights of the church were manifestly concerned, or where one at least of the litigants was an ecclesiastics.*

911 to 1271. Where such a state of things was tolerated, we cannot expect to find much regularity of conduct among the laity; nor do we see that the conduct of the ecclesiastics was much superior. There was, in fact, no discipline. The canons of councils are filled with complaints against the irregularities of the clergy. This is more strikingly the case in the archiepiscopal dioceses of Saltzburg, Bremen, and Magdeburg; which, being more remote from the centre of civilisation, and from the inspection of the papal legates, furnish us with a more accurate picture of the Germanic church than we could hope to contemplate in the provinces contiguous to the Rhine. Mentz, and Trèves, and Cologne, had abuses enough; but their proximity to the most renowned parts of Christian Europe rendered outward decorum more necessary than in the secluded districts of the empire, where archiepiscopal authority was nominal; where bishops were too much engaged in war, or at court, to have leisure for the superintendence of the clergy; where abbots were equally secular in their wishes, and the monks equally in patient of restraint. Thus, in the council of Saltzburg (held in the latter half of the thirteenth century) are some canons that throw a melancholy light on the laxity of discipline and of morals. Owing to the disuse of provincial chapters, many monks were become vagabonds. To recall them from the world to the cloisters was strictly enjoined on the abbots; and, in every monastery, a dungeon was ordered to be prepared for the reception of the incorrigible, and of such as more grievously offended against the rule.† Abbots were forbidden to transfer their monks from convent to convent,—a measure which

* Concilia Germanica (in a multitude of places). Weichbild, Corpus Juris Publici et Privati, tom. i. p. 178, &c. Speculum Suevicum, passim. Schmidt, Histoire des Allemands, tom. iv. p. 192, &c. Rhegino, Penitentiale, &c.

† Concilium Salisburgense, can. 1. et 2.

had been intended to serve as a punishment, but which, in fact, was rather agreeable than otherwise.* And they were prohibited from continuing to exercise the episcopal functions unless they could prove that they had received the necessary powers from an indisputable source.† Another prohibition was levelled at the facility with which, in certain churches, and through the concession of former pontiffs, indulgences were granted: all these were revoked; nor could any in future be conceded without the express approbation of the diocesan.‡ The seventh constitution was aimed at a vice equally prevalent, — the avarice of the secular clergy. It enjoined those who placed no bounds to their selfishness, and who had no regard either for their own souls or the souls of the flocks, to retain the last preferment only, or to prove, in the next provincial council, that they had received a dispensation from the necessary authority, and that the dispensation was justifiable on canonical grounds.§ If we rightly understand the eighth constitution, it seems to meet an abuse much more extraordinary, — the employment of hired laymen (mercenarii temporales) in parochial churches during the absence of the incumbents. It cannot be supposed that laymen would be permitted to administer the sacraments, or even that monks, who had not received that of holy orders, would presume to celebrate the more important offices of religion; but they might preach, perhaps catechise, or otherwise instruct. We may however, observe, that in the present canon they may be identical with the lay rectors, to whom we have adverted on a former occasion; men who, without being in minor orders, were yet appointed to a living, and who received its revenues, while the sacerdotal functions devolved on a resident vicar.‖ By the present canon all incumbents were commanded to return to their

* Concilium Salisburgense, can. 3. † Ibid can. 4.
‡ Ibid. can. 6. § Ibid. can. 7.
‖ See Europe during the Middle Ages, vol. iv. Life of St. Gilbert of Sempringham.

parishes before the Purification of St. Mary, and ever afterwards to reside and serve in person, under pain of perpetual suspension.* That clergymen were accustomed to enter taverns, notwithstanding the ancient canons to the contrary, is evident from the frequency with which the practice is reprobated in the Germanic councils of the middle ages. Thus the council before us enacts, that if any clergyman enter a tavern without necessity — that is, unless travelling, or in the exercise of his clerical duty — he shall, for the first offence, be suspended until he has fasted one day on bread and water; for the second offence he shall receive a longer punishment; for the third, he shall be deprived of his benefice.† That the clergy, whether monks or seculars, were not always obedient to the episcopal authority, appears from the increasing severity of the regulations respecting it. The thirteenth canon of this council provides, that if any one, while suspended or excommunicated, presume to celebrate the divine mysteries, he shall be consigned to the episcopal prison, and there remain until he has satisfied the ends of justice.‡ If any one presumed to favour the escape of a priest thus situated, he not only incurred the sentence of excommunication, but was condemned to the same prison.§ Another abuse characteristic of the times, was, the frequency with which men "under the name of travelling scholars" overran the province of Saltsburg, demanding aid at every church and monastery, insulting, or inventing calumnies of, the ecclesiastics who gave them nothing; and, where their claims were granted, consuming the substance of the poor.‖ But though these and all other evils were severely reprehended, and though some good was effected by the zeal of this and of other councils, that good was but temporary. In subsequent assemblies we read the same crimes, the same denunciations, — a fact which must be admitted to prove that the German

* Conc. Salisb. can. 8.
† Ibid. can. 12.
‡ Ibid. can. 13.
§ Ibid. can. 14.
‖ Ibid. can. 16.

church was never in a prosperous state. Indeed, if the truth must be told, that church was never an ornament to religion; it never answered the purposes of its original institution. Meanness in its lower ministers; worldly views in its dignitaries; ferocity and ignorance in all, it has no claim whatever to our respect.*

But though, as a body, the Germanic church is thus unlovely, let no reader suppose that it was entirely destitute of redeeming features. If many, even of its saints, partake in a greater or less degree of the national vices of the period; if the insertion of some in its calendar excite surprise, or even a stronger sentiment, it can boast of others who might vie with those of almost any European country. In the following pages, however, we shall advert to a few, both worthy and unworthy, since our acquaintance with both is necessary to throw light on the state of religion in the empire. We commence with those of Bohemia.

During the ninth century Christianity was almost 921.
entirely unknown in Bohemia; nor did it make much progress among the barbarous natives even in the tenth; at least, in the time of St. Adalbert (960—997) there were more pagans than Christians. One of the first converts was duke Borizof, who received the faith, not in Bohemia but in Moravia, then a famous Slavonic kingdom, extending far into Hungary, and bordering on the Greek empire. At this time Bohemia was dependent on Moravia; and Borizof, being at the court of Swatopelk the Great, was persuaded by two Greek missionaries to forsake the idolatry of his fathers, and permit a priest to return with him. His conversion, however, was far from pleasing to the people, who expelled him, and conferred the ducal crown on another prince. He, however, had still a party, which the unpopularity of his successor augmented; but what most contributed to his recall were the exertions of the Moravian and German kings, who eagerly embraced the

* Concilium Salisburgense (apud Canisium, Lectiones Antiquæ, tom. iv. p. 88—90.).

cause of a Christian brother. After his restoration he laboured, but with no great success, to diffuse the blessings of Christianity among his people. Yet one advantage was gained; his consort and his two sons were of the same faith; and the barbarous inhabitants were taught to feel that humanity and justice were more sacred in the eyes of a Christian than of a pagan duke. He founded two churches, and the example was followed by his two sons, Sbigniew and Wratislas, who successively reigned. The former died without issue; and the latter was so imprudent as to marry a pagan princess, Drahomira, one of the most savage of her tribe. In a few years after his accession, he, too, paid the debt of nature, leaving two infant sons, Wenceslas and Boleslas, under the care of his mother, St. Ludmilla. But the fierce Drahomira, whose pretensions were doubtless espoused by the pagan part of the Bohemians, and who, during the life of her husband, had outwardly conformed to the faith of Christ, seized, during the minority of her sons, the reins of government, and commenced a bitter persecution against the new proselytes. The younger of her sons, Boleslas, she forcibly withdrew from the protection of Ludmilla. Seeing the danger to which she was exposed by the machinations of her daughter-in-law, and the disaffection of the pagans, St. Ludmilla abandoned Prague, and retired to a rural residence. But she was followed by two emissaries of Drahomira, who burst into her bedchamber and strangled her, in September, 921. She is the protomartyr of Bohemia, and for this reason, even more than for her virtues, has she been placed amongst the canonised daughters of the church. Two years afterwards an invasion of the Germans, against whom Drahomira had raised the Slavonic tribe to which she belonged, expelled her from Bohemia, and placed the reins of government in the hands of the youthful Wenceslas. But Wenceslas was a weak prince. Though duty would not allow him to punish, he ought never to have forgotten the murder of his grandmother; yet, in a few years, he recalled his implacable mother.

That she should be more partial to her youngest son, Boleslas, who had relapsed into idolatry; that she should bear no good-will to the religion which she regarded as the cause of her exile, and the disciples of which were certainly her personal enemies, need not surprise us. It is, however, difficult to believe, that she seriously plotted the assassination of her son. We may account for the tragical project without assuming so monstrous an hypothesis.* The majority of the Bohemians were hostile to Christianity; Wenceslas spent the time which he owed to his people in reading, and praying, and fasting, and vigils; he was destitute, if not of personal courage, certainly of the chief qualities required in a sovereign; he neglected his imperative duties, and degraded his dignity by suffering himself to be insulted in the persons of his priests: he even meditated a total retreat from the world, to practise, in the silence of the cloisters, the religious observances to which he had devoted his life. For no other place than the cloister was he adapted; but, unfortunately for him, Bohemia had yet no monastery. The ecclesiastics of Germany, though aware that a way was opened for the diffusion of Christianity, were in no haste to enter it: like their predecessors of Gaul, who were so deservedly reprobated by pope St. Gregory, they were too much occupied with the ritual offices of religion to have either inclination or leisure for missionary labours. If we add, that Boleslas was a perfect counterpart to his brother,—that he was brave, indefatigable, able, and a pagan,—we cannot be surprised that he should be the popular idol of Bohemia. But of any good principles, human or divine, he was as incapable as his mother. That he had long resolved to snatch the sceptre from the feeble hands which held it, is indisputable; and when he found that his object could only be obtained by a fratricide, he did not revolt at the crime. He invited Wen-

* The evidence, however, is against Drahomira; but we hope she has been represented worse than she really was. Yet the historian was her own grandson—the very prince whose birth was so disastrously distinguished.

ceslas to his house to celebrate the birth of a son: the duke accepted it, was sumptuously regaled, and murdered while at vigils, the night after his arrival (September 28. 935). His priests were banished or put to death; the same fate was inflicted on his family and domestics; the Christian churches were closed; Boleslas was acknowledged sovereign of Bohemia, — the more readily, as he engaged to free it from the yoke of Germany, which the murdered duke had voluntarily received; — and paganism was every where restored. But, in the sequel, Boleslas reverted to Christianity; and he educated his family in the same faith, which he did more to propagate than any prince of his nation. He is one of the few examples in history, where a great crime has been followed by sincere reformation of life: and we may be permitted to hope, he disarmed the divine justice, which, though it generally demands blood for blood, has, on a few extraordinary occasions, been satisfied with a less severe penalty.* But this duke, though every way worthy of the throne, was punished enough: he felt within him "the gnawing of the worm which never dies;" remorse embittered his days, and rendered his nights dreadful; and he endeavoured, in the spirit of the age, to atone for his crime, not merely by reformation of life, but by the number of his ecclesiastical foundations. In the same feeling he devoted his eldest son, — Christannus, surnamed *Strachiquas*, or the fatal banquet, — to the monastic profession. Of his three other children, one, Madi, became a nun and a saint; his other daughter became the wife of the Polish duke, and was instrumental in the conversion of that kingdom; and his successor, Boleslas, was surnamed the Pious. Seldom has a family so agreeably disappointed the usual calculations of men. That the offspring of Drahomira should become saints, is one of the most triumphant efforts of Christianity over the heart. Bo-

* According to one chronicler, however, the mother was swallowed up by the earth: — "Eo loco quo ad huc insepulta jacebant ossa occisorum sacerdotum, terra sua sponte dehiscens vivam Drahomiram, una cum curru et qui simul vehebantur, absorbuit."

leslas the Pious founded the see of Prague, of which the first bishop was the celebrated historian Dithmar; and some monasteries of the Benedictine order. In his reign Christianity must have made rapid strides, or he would not have been able to defeat in the open field an army of his pagan subjects, who had resolved to depose him for his religion. *

Among so savage a people, the mild and self-denying precepts of the gospel were not likely to spread with much rapidity. Of this fact we have evidence enough in the Life of *St. Adalbert*: — 960 to 997

"This celebrated man was a Bohemian. The time of his birth is unknown, but it was certainly about the year 960, as in 973 we find he was a youth at Magdeburg, prosecuting his studies under the archbishop. During a severe illness he had been elevated by his parents to the service of the altar, and all his studies consequently tended to the ecclesiastical state. On the death of the archbishop he retired to Prague, where he entered into holy orders. Though in 983, on the death of bishop Dithmar, he was only subdeacon, strange to say he was elected, with the full approbation of duke Boleslas the Pious, the successor to that see. At this time the Bohemians were very partially reclaimed from idolatry; the father of the present duke had been a pagan; and Wenceslas, his uncle, had fallen a martyr to his faith. Adalbert owed the dignity as much to his birth and to his being a Bohemian, as to any other cause. He was confirmed by the empire, approved by the pope, and consecrated."†

Whether Adalbert accepted the dignity with much

* Cosma Pragensis, Chronica Boemorum, lib. i. p. 11—18. (apud Freherum, Rerum Bohemicarum Scriptores). Æneas Sylvius, Historia Bohemica, cap. 13—16. Dubravius, Historia Bohemica, lib. ii. et iii. (ambo apud Freherum). Bollandistæ, Acta Sanctorum, diebus Septemb. xv. et xxviii.

If the chroniclers, however, are to be believed, Strachiquas degenerated towards the close of his days. He had the virtue to refuse, with contempt, the episcopal mitre of Prague, when offered to him by St. Adalbert: — "Nolo aliquam dignitatem in mundo, honores fugio, pompes sæculi despicio; indignum me judico episcopali fastigio, nec tantum pondus pastoralis curæ ferre sufficio. Monachus sum, mortuus sum, mortuus sepelire non possum." But in a few months this very man eagerly sought the dignity he had thus despised, and was tumultuously elected; but just as he was receiving the necessary consecration at the hands of the archbishop of Mentz, the devil strangled him, and he fell dead at the very altar.—*Cosma Pragensis.*

† Europe during the Middle Ages, vol. ii. p. 272.

satisfaction, may be doubted. Of the responsibility attached to it he had a striking example in the confession of the dying Dithmar. "Alas!" said that prelate, "how changed am I from what I once was, from what I could wish to be! Wretch that I am, I have lost my days! No fruit of penance! I am perishing! Where now the honour and the vain riches which I have pursued? Where now, thou contemptible body, thou food of worms — where now thy beauty and thy boast? Deceitful world, thou hast betrayed me; for, instead of the green old age which thou hast promised me, thou destroyest my soul by an unexpected death! With an all-merciful God my other offences might be pardonable; but when I consider the crimes of the people committed to my charge, — a people whose only guide is their pleasure, whose only law is their own inclination — that I have not deterred them from the welcome path of perdition; that they know nothing, and do nothing, except what the finger of Satan has written in their hearts; when I consider all this, then, indeed, I bewail my apathy, and I must bewail it through eternity! And now I am doomed to take the downward path, leading to a region where the worm dieth not, and the fire is not quenched!" That these words had a terrible effect on Adalbert, is evident, and well they might. Dithmar was a man of strict morals: he had the learning and gravity becoming his station; and his only fault, the only cause of his self-condemnation, of his hopeless end, was want of zeal. Adalbert had not the moral influence of his predecessor, his efforts would probably be as useless; his end might be as melancholy. One of his worst anticipations was soon verified.

"But the labours of the bishop, among so fierce and barbarous a people, had little success. Though he watched and prayed, fasted and preached incessantly; though he subjected himself to extraordinary austerities, and was abundant in almsgiving; though he visited, with exemplary zeal, the sick, the captive, and the orphan, his merits were not understood. He

could not restrain his clergy from concubinage*, nor the laity from a plurality of wives, nor either from drunkenness; and he could not avert, what he doubtless considered a yet greater evil, the sale of Christian slaves to Jews and pagans. With equal bitterness did he complain of the general indocility of the priests, of the haughtiness of the barons, of the great immorality of all classes. Seeing the fruitlessness of his labours, he resolved to abandon the kingdom, and lay the state of his see before the pope. John XV. did not disapprove his purpose, and told him, that it was certainly better to leave his flock than to perish with it. This moral cowardice does little honour to either. Yet, in some things, St. Adalbert had as much resolution, as much energy of purpose, as any man of his age. His design was to go on a pilgrimage to Jerusalem; and he prepared for the journey, not by amassing money, but by distributing all he had to the poor; even a large sum, which Theophasia (consort of Otho II.), then at Rome, gave him, he secretly applied to the same object. Having dismissed his domestics, assumed a mean garb, and laden a mule with books, clothes, and other things, he left Rome, with the intention of embarking at one of the seaports in Calabria; but, passing by the celebrated monastery of Monte-Casino, the abbot dissuaded him from the voyage, which he justly represented as a very doubtful duty, and as likely to produce more harm than good.† He therefore returned to Rome, and assumed the habit in the monastery of St. Alexis.‡"

The monastic life of St. Adalbert offers little to strike our attention, if we except the pleasure which the grand enemy of man took in perplexing him. His humility rendered him eager to be in reality what a much higher dignitary has not always been,— servus servorum Dei; but, in his attempts to perform certain menial offices, he displayed an awkwardness which may very well be excused in a bishop. Often, when he was carrying water or wine to the table of his brethren, he dropped the vessel

* That is, from *marriage;* which, in all countries, the priests were ready to contract, and which, *in them*, was always stigmatised as concubinage.

† The words of the abbot are sensible: —"Via quam beatitudinis acquirendæ causâ capisti longe est a rectâ viâ, et ab illâ quæ ducit ad vitam. Perplexitatibus quippe fugacis sæculi carere, magnanimi est; sed quotidie loca nova mutare, minus laudabile est. Sicut enim hiberni maris inconstantia malum nautis, ita vagatio de loco ad locum periculum suis sequacibus minatur: stare autem loco, et superius usibus eo liberius perfui, non nos, sed præcepta majorum virorumque fortium exempla tibi dicunt.

‡ Europe during the Middle Ages, vol. ii. p. 273.

—or, if his biographer is to be credited, Satan caused it to drop—from his hands; and, as the broken fragments lay on the floor, he coloured more deeply than the wine which besmeared his visage. On such occasions he had always to prostrate himself before his superior, and to beg pardon for his inadvertence. But from this conventual life the saint was at length summoned to the former ungrateful field of his labours. The archbishop of Mentz, seeing the church of Bohemia without a head, reclaimed him, and by the papal command he returned; with permission, however, to leave his flock if they still refused to hear his voice. His return was like a triumph: all Prague went out to meet him. But this beginning, however auspicious, led to nothing: the people reverted to their former vices, and held their spiritual teachers in as little respect as before. The disgust of the bishop was increased by an event which, as it is characteristic of the people and the times, we shall relate:—The wife of a certain noble was convicted of adultery with a clergyman; and, when sought by her husband's kindred, that she might suffer the usual penalty, viz. beheading, she fled to the bishop, and claimed his protection. Adalbert was merciful: on all occasions he was averse to the shedding of blood; on the present, he doubtless considered the punishment, however sanctioned by the laws of the country, as disproportionate to the crime; and, even had he approved this excessive rigour in itself, he would have paused before he sent to her final account a woman so guilty: he would certainly have allowed her time for repentance. In this feeling, he concealed her among a community of nuns, and, causing the massive gates to be locked, he entrusted the keys to a domestic. In the mean time the infuriated kinsmen burst into his palace, and asked for him, loading him, at the same time, with curses for thus opposing the law. Though in the sanctuary, occupied with a few brethren in vigils (it was near midnight), on hearing the noise, he hastily kissed his attendants, and appeared among the crowd. As he advanced with an intrepid step, he calmly

exclaimed, " If you seek for me, here am I!" That he aspired to the glory of martyrdom, was evident to them all; but his wish was not now to be gratified. " Thy sanctity," observed a rough old Bohemian, " is here wrong, or it would not tempt us to such a crime: thou shalt be disappointed in the hope; but we will make thee feel more acutely; for, unless this whore is delivered into our hands, we will wreak our revenge on the wives, children, and substance of thy brothers!" This menace, however, would not have moved Adalbert; but the object of the band was gained by bribing and terrifying the porter to admit them and show them the woman. She was dragged from the altar, and brought into the presence of the injured husband; and when he — for he was a Christian, and merciful — refused to inflict the punishment, her head was struck off by a common slave. This and other circumstances, the entire failure of his efforts to reclaim so savage a people, made a deep impression on the bishop. A second time he visited Rome; and though he left it with the emperor Otho III., he did not return to his see. His humility at the imperial court is much praised by his biographer; but when he condescended to brush the boots and sandals of those who slept in the palace, it surely exhibited itself in a strange manner. Having visited, with great devotion, the shrines of St. Martin at Tours, of St. Denis at Paris, of St. Benedict at Fleury, the remonstrances of the German primate made him reluctantly return towards Bohemia. On his way, he learned what was not likely to raise his respect for the country, — that his brothers, with their sons and daughters, had been massacred in the very church by the pagans; and their possessions destroyed and seized. " He had before experienced the truth of the saying, *A prophet has no honour in his own country:* now he heard that the people absolutely refused to receive him, on the ground that he would seek to avenge the death of his brethren. It is difficult to account for the ill-will borne towards him by the

Bohemians. It could not wholly arise from their hostility to Christianity, for many were suffered to live and die unmolested in that faith. At this distance of time, to seek the reason would be vain; but let it have been what it may, he resolved to see Prague no more. He first repaired into Poland, to duke Boleslas, in whose service he had an elder brother. While here, he determined to preach the gospel to the pagan Prussians. Accompanied by thirty Polish soldiers as an escort, he proceeded to Dantzic. There he converted many; and he soon plunged, without his escort, into the wildest parts of the country. While preaching one day on a little island in one of the numerous rivers of Prussian Pomerania, a barbarian struck him to the earth. He was taken to a neighbouring village, and asked respecting his name, birth-place, profession, and the object of his journey. 'I am a Slave,' was the reply, 'by name Adalbert, by profession a monk, formerly a bishop, now your apostle. The object of my journey is your salvation; that you may forsake your dumb idols; that you may acknowledge your Creator, the only true God; and that by believing in Him you may inherit life everlasting!' Incapable of comprehending him, the barbarians replied with curses, and threatened that, if he did not instantly depart from that region, they would put him to death But he had no intention to return: he abode a few days at a place on the frontiers, until his beard and hair were grown, when, laying aside his pontifical robes, and assuming the habit of the people, he reappeared among them, hoping to pass as one of them, and to earn his subsistence by the sweat of his brow. He and his companions were soon surprised singing psalms, and were fettered. While Adalbert was exhorting them to suffer courageously for the truth, the chief of the heathens, named Sigga, who was also a pagan priest, hurled a missile, which entered his heart; it was followed by six others, and he fell with the seven darts in his body. His companions having unbound his hands, he crossed

them, and while calling for mercy on himself and his murderers, his soul issued with his blood. He was immediately beheaded, and the amputated member triumphantly carried on a pole: but both head and body were soon ransomed by Boleslas of Poland. His companions appear to have been reduced to slavery." This end was exactly the one that St. Adalbert had always desired. Unimpeachable in his morals, fervent in his zeal, abstracted from the world, the vanities of which he despised, and the duties of which he did not always amply appreciate, he has powerful claims on our respect. But more than for his personal virtues is he to be reverenced for his missionary labours, — as the apostle of Pomerania, the most fierce and savage of all pagan countries.*

Bohemia also boasts of *St. Gunther*, who, though a 1015
Thuringian, resided for many years in that kingdom. Of his early life we know little beyond this; that he was a wealthy noble, fond of the world, and eager for its applause; and that the idea of his forsaking it would never have entered the head of any one who knew him. By what means his mind was partially detached from it, we are not informed; but one day he much surprised St. Godehard, abbot of Altaich, by requesting to be admitted into that Benedictine community.† But old habits are not broken, or new ones formed, in a day; never did convert occasion more trouble than this Gunther. Fortunately he had in St. Godehard a superior of exceeding mildness, one who knew the world,

* Cosma Pragensis, Vita S Adalberti (apud Freherum, Rerum Bohemicarum Scriptores). We must, however, observe, that this Life was certainly not written by Cosma, but by some one who was evidently a contemporary of the saint, and who, therefore, lived above a century before the historian of Bohemia. Cosma Pragensis, Chronica Bohemorum, lib i. p. 15. (apud eundem). Dubravius, Historia Bohemica, lib. vi. (apud eundem). Anon. Vita S. Adalberti, p. 865. Fragmenta ex Chronica Ademari, p 871. (apud Mabillonium, Acta SS Ord S Ben. Sæc v.) Su- , De Probatis Sanctorum Vitis; necnon B adistæ, Acta Sanctorum, die Aprilis xxiii. Baronius, Annales Eccles (sub annis). Europe during the Middle Ages, ubi suprà. Johannes Dlugossus, Historia Polo- 118. Canisius, Lectiones Antiq , tom. iii. p. 41, &c.

† Altaich, Lat. Altaha, or Altachum, in Lo er Bavaria, on the left bank of the Danube. There are two establis nents, called Lower and Upper Altaich, about five miles asunder.

the temptations of the human heart, and the character of the new inmate, to prove whose vocation he prolonged the noviciate far beyond its proper time. At length he professed; but becoming weary of the dull routine of a monastic life, he requested permission to visit a plantation in his native province, and to cultivate a piece of ground, under the obligations, however, of his rule. But the privations of this life were not likely to please one who had been nursed in the lap of luxury; and if the patience of the abbot had not been proof against the fickleness of the new brother, he must have been tired with his frequent complaints. But neither his entreaties or his remonstrances, his exhortations or his reasonings, had much effect, and he was at length compelled to decide, that if Gunther would not observe the rule like the rest of the brethren, he must return to the world. Yet the irrevocable vow had been taken, and Gunther had no wish to incur the consequences of its infraction, — excommunication by the church, the scorn of men. Nor, to do him justice, had he any wish to lay aside his conventional character: his failing was mutability of mind, a restless desire for change, or impatience of restraint, which cannot much surprise us. To reclaim him from his lingering attachments, a more powerful monitor was, at the abbot's request, induced to see him. This was no less a person than the emperor St. Heinric, who represented to him that, as he could not serve two masters, God and the world, he must choose which he would follow. With a reason more enlightened, Gunther now sought the monastery of Altaich, and from this moment became as firm as he had before been wavering in his vocation. As he was ignorant of letters, he was the more likely to exercise his faith at the expense of his reason. If we except the fervour with which he observed the rule, the frequency of his devotions, and his extraordinary austerities, we see nothing to distinguish him from the rest of his community; and unless we suppose, what, indeed, appears to have been the fact, that, in the relaxed

discipline of the German monasteries, the discharge even of the ordinary duties of the cloister was regarded as an extraordinary merit, we cannot account for the diffusion of his fame. It reached the ears of St. Stephen king of Hungary, who at length prevailed on the saint to visit his court. Here again the obvious question recurs, What could be the state of discipline in a country where a simple monk was permitted to visit the court of a distant monarch? This fact enables us to comprehend the eagerness with which some councils endeavoured, but, as appears, fruitlessly endeavoured, to retain vagabond brethren within the cloister. The shades of saints Benedict and Maur must have frowned on beholding their unworthy descendants; nor need we be surprised that men from time to time arose, to restore the ancient vigour of the institute; St. Romuald in Italy*, saints Bruno† and Robert de Moleme in France‡, St. Norbert§ in Germany; or that, when the most fervent even of these reformed orders began in like manner to decline, saints Francis and Dominic‖ should strike into a bolder path. But if Gunther's visit to the Hungarian king was such as the ancient fathers of the order would have characterised in strong terms, we forgive it in consequence of the poetical legend which it has produced. Though in a palace, the monk would not taste animal food; an abstinence far from agreeable to Stephen, who, though on his way to saintship, was still a king, and fond of good cheer. One day, at dinner, a fine roasted peacock being placed before the two saints, the king not merely pressed, but commanded, the monk to eat. In terrible distress of mind, unwilling to offend his royal host, yet resolved not to break his vow, Gunther leaned his head on his hands while he prayed and wept. "Wonderful and stupendous! no sooner had the servant of God finished his prayer, than raising his

* See Europe during the Middle Ages, vol. i. p. 196—204.
† Ibid. vol. ii. p. 278. ‡ Ibid. p. 282.
§ Ibid. p. 294. ‖ Ibid. vol. i. p. 211—217. and p. 291.

head, he perceived the peacock, which had been restored to life, fly away!"—Whether on account of the relaxed discipline Gunther was dissatisfied with Altaich, or whether he aimed at greater perfection than could be found in the cloister, in a few years he obtained his abbot's permission to embrace the eremitical life. The place of his retreat was a forest in Bohemia, where he built a cell and an oratory in honour of his patron, St. John the Baptist. At first, however, he was not alone, but accompanied by two or three brothers at least from Altaich; nor are we quite sure,—for his biographer, though he knew him well, is right monkishly obscure, — that they left him at any subsequent period. Probably each had a separate cell, but a common oratory, in that vast solitude. Yet, from the following relation, which, as it is very graphic, we literally translate one might infer that he was quite alone: —

"When Almighty God willed that this blessed man should cease from his labours and enter on his eternal reward, to the end that his life might be an example to men, that like a candle placed in a candlestick he might enlighten all who were in the house of God, it happened that the renowned duke Bretislas, who had just returned from the subjugation of Poland, came, for the sake of hunting, to a certain town called Prahen. One day, according to his wont, he left the town in search of game; and while all his attendants were hunting hither and thither on an unsuccessful quest, suddenly there appeared before him a stag of wonderful size, and he began with great eagerness to pursue it. Pretending to flee with agility, the animal quickly arrived at a certain part of the wood, and then stood still, as if no one pursued him. Seeing this, the duke, attended by one page only, approached the stag, and much admired its beauty and size; at length, furnished with the arms of faith, while hesitating in his mind what he should do, suddenly he heard a clear voice from heaven: — 'Bretislas; seek not vainly to scrutinise the hidden things of God, but humble thyself with the humble, that thou mayest soon know the things which may avail thee and thy posterity! For in this place there is concealed a heavenly treasure, once very acceptable to God, now and henceforth desirable to all who firmly seek it. Know that it has been written,—'My Father worketh hitherto, and I work: since I am in the Father, and the Father in me.' What

therefore my servants work in this life, that always ascribe, not to their own virtue, but to the power of God!" Hearing these things, in a kind of stupified amazement, the duke, scarcely recovering his senses, arose from the place in which he had knelt, and looked around him. And, at a distance in that vast solitude, he perceived a rivulet, its banks of smiling verdure and odoriferous; he saw, near, a great rock, and in the rock he found a cell, constructed, indeed, of mean twigs and branches, but emitting a most pleasant smell. Attended by his page only, he descended the declivity of the hill, and, signing himself with the cross, he entered quickly, though somewhat fearful, to see what lay within. And behold a venerable old man, with white locks, his countenance shining like that of an angel, devoutly occupied in praying or reading — a sight which terrified him, and made him stand still. And the old man, regarding him with a gracious look, told him not to tremble, but to praise God in all things; adding, that he was Gunther, who had held the duke over the baptismal font, and this he proved to the wondering listener by certain tokens. Then the duke, fully recovering his presence of mind, enquired of the holy man how or when he had penetrated to such an unfrequented solitude, and how he had attained to so rigorous a life. And he prayed with great affection, and in tears, that so excellent a man would no longer consent to remain hidden from the world, but suffer himself to be taken to the duke's estate, where his wants would be well supplied. But the man of God refused, anxiously praying that His will might not be opposed in the smallest matter. The duke, admiring his resignation, commended himself to the holy admonitions, to the consoling discourses, and to the prayers of the holy man."

In the conversation which followed, the venerable hermit announced his approaching departure, requesting that his corpse might be buried in a place he carefully designated, and promising to intercede for the duke before the throne of God. And, as a mark of especial favour, Bretislas was told that he might be present at the closing of the hermit's mortal scene, which would happen the following day at the third hour. Great was the lamentation of the duke to find his spiritual father only to lose him; but he was constrained to depart, and charged to tell no one what he had seen. Probably, however, Gunther, who naturally desired the last rites of religion, excepted some ecclesiastic; for the follow-

ing morning Bretislas returned with the bishop of Prague. Mass was now celebrated, the sacrament administered, and, in the midst of pious communings on a future state, the soul of Gunther escaped from its clay tenement. Sweet, we are told, was the odour exhaled on every side; but though it is represented as coming from the corpse, a profane sceptic may attribute it to the odoriferous plants around the hermitage. The body was laid on the backs of two untamed horses; but, under the load, they became gentle as lambs,; and in this state it was carried to the monastery of Brunof, where, of course, there was no lack of miracles.*

1037 to 1055. No prince ever laboured more zealously than this Bretislas to remove the ferocity of his people, and to make them in reality what they had scarcely been even in name — believers in the gospel. On one occasion, at the instance of his bishop Severus (the prelate who accompanied him to the couch of the dying Gunther), he assembled his nobles, clergy, and people, in the cathedral of Prague; and, after all had prayed, he addressed them on the subject of their reformation. The scene was striking. Rising from his seat, he asked them with great solemnity if they were willing to forsake their evil deeds, and to perform good works: "and, both for themselves and their children, they swore that they would do so." Then laying his hands on the tomb of St. Adalbert, whose relics had been transferred from Gnesna, and round whose shrine he thus pledged them to future reformation, he said, "Let every one raise his head to Heaven, and attend to the words by which I wish your faith to be confirmed. My first command, founded on God's ordinance, is, that each of you preserve his wife, and not put her away in the manner of brute beasts; that, as the holy catholic church

* Walferus, Vita S. Guntheri (apud Mabillonium, Acta SS. Ord. S. Ben. Sæc. vi. pars i. p. 480, &c.; necnon apud Canisium, Lectiones Antiquæ, tom. iii. p. 189.). Arnolfus, De Miraculis S. Emmeram (apud Canisium, tom. iii.; necnon apud Mabillonium, ubi supra, p. 476.). Bollandistæ, Acta Sanctorum, die Octob. ix. Pontanus, Bohemia Pia, lib. ii. (apud Freherum, Rerum Bohemicarum Scriptores). Raderus, Bavaria Sancta, tom. i. p. 113.

enjoins, each remain steadfast to his wife until death dissolve the bond. And let each husband have one wife only, and each wife but one husband, and let neither know another. Whoever disregards this law, sanctioned by the statutes of the realm, and by the ecclesiastical canons, let him or her be beaten with stripes, and sold as a slave into Hungary, never to be redeemed, never to return into Bohemia." Then the bishop pronounced excommunication against all who should break this law. The duke added, "Let the same punishment be inflicted on the virgin or the widow, who, forgetting the honour of her state, instead of marrying prefers sinning through lust; who, to escape discovery, destroys the fruit of her womb." Here the bishop repeated the excommunication. The following denunciation was against man and wife who neglected or abused the *debitum conjugale*, and was followed by the ecclesiastical curse. Bretislas proceeded: "Whoever shall strike father or mother, even his spiritual father or mother, and is denounced to the prince, let his feet be fettered, and let him be sold beyond the province, to labour during the rest of his life in the public works." And the bishop cursed. The next commination was levelled at taverns, which were said, no doubt with justice, to be the foci where every possible mischief concentrated; the places where murders, rapes, robberies, and every other evil deed were hatched. The man who built one, or sold wines, or any other thing in one, was to be shaven, tied to a pillar in public, to be soundly whipped, all his goods to be confiscated, and his stores of liquor to be spilled on the ground. And those who were caught drinking in such dens of iniquity were to be committed to prison, nor could they be enlarged without a heavy sum. Fairs and markets on all Sundays and festivals were prohibited; the merchandise was to be seized by the bishop, and, in addition, a fine paid to the duke. Whosoever buried his dead in a field or a forest, was to forfeit an ox to the archpriest and a mulct to the prince; all corpses were strictly enjoined to be, as St. Adalbert

had willed, buried in consecrated ground. These, added Bretislas, were crimes of perpetual recurrence; they had offended God, and had driven their faithful pastor, St. Adalbert, to other flocks. "That we will not repeat them, let us and all of us swear, both for ourselves and for all our posterity." With this admonition they instantly complied; and when the penitential psalms had been recited, and the benediction given, Bretislas, seizing a hammer, opened the tomb of the patron saint. From it, says a chronicler, issued a most pleasant odour, which satisfied all present that bodily refection was needless; and the features of the saint appeared as if he had just been buried, and his body wholly incorrupt. While the sacred relics were reverently laid on the altar, the bishop and clergy chanted *Te Deum*, and the duke prayed God to accept of St. Adalbert's intercession as the patron of Bohemia.*

1170 to 1217. Omitting the life of St. Procopius, which, in one respect — the adventure of the mysterious stag — was evidently confounded with that of St. Gunther, and the miracles wrought by the merits or intercession of this hermit, we come to *St. Rosnata.* A member of the sovereign family of Bohemia, and the first of its nobles, he had, though pious, no intention of embracing a religious life, until circumstances weaned him from the world. Having lost his only son and a beloved wife, whom grief for the first bereavement brought also to the grave, he devoted himself wholly to preparati n for another life. But in one respect he was so far swayed by the prevailing error of the times, as to vow a pilgrimage to the Holy Land: when he arrived at the port, however, where he proposed to embark, the sight of a novel element, which appears to have been agitated by the winds, cooled his ardour; but, as the pope only could release him from the obligation, he hastened to the eternal city. By his apostolic authority, Celestine III. dispensed him from his vow; on the condition that

* Pontanus, Bohemia Pia, lib. ii. p. 17. (apud Freherum, Rerum Bohecarum Scriptores).

he would found a monastery in honour of the Virgin Mary, and subject it to the rule of St. Norbert: accordingly, on his return to Bohemia, he taught the church and convent of Töplitz "to rear their heaven-directed spires." A second foundation equally attested his ardour to atone for the non-performance of his vow; and he placed both, by the papal permission, under the immediate authority of the holy see. In this second visit to Rome he assumed the habit of the order; and, from a warlike noble, became a monk of Premontré,—a metamorphosis, however, far from agreeable to the nobles and knights by whom he was accompanied. In the sequel he became prior of Töplitz; a dignity owing, doubtless, more to his birth and munificence as founder, than to any other cause. Yet, according to the manner of the times, he had devotion enough; and even now, mixed as it was with dross, it exhibits a far greater proportion of genuine metal. To the virgin mother of Christ he was particularly attached; — an attachment in which personal feeling had probably the greater share. In his youth, while on a visit to a sister married in Cracow, he had fallen into the Vistula, and been carried away by the rapid current; nor was it without considerable risk that some expert swimmers rescued him before the vital spark had time to expire. While in this peril, he fancied that a lady of great majesty and beauty held him from sinking, and that lady was of necessity the queen of heaven. How far his imagination might affect him, or whether the cries and efforts of his despairing sister, at that moment on the banks of the river, might be mistaken by a drowning youth for the interposition of a superior being, we shall not enquire: to account for many of the hagiologic legends would baffle the ingenuity of any writer. In his conventual life, Rosnata was not without discouragements: he had much to support from the tyranny of his abbot, who long delighted in humiliating him; and one day, while absent on a distant estate of the monastery, he was seized by some banditti, and was con-

mitted to a dungeon. Yet we may doubt whether they deserved so harsh an epithet: he had exasperated them, we are told, by the vigour with which he had defended the possessions of the community against their rapacity; yet this may only mean that the community had extended them, at the expense of justice, to the injury of the legal heirs. But the act, however characteristic of the country and times, was one of lawless violence, and aggravated by the severity with which he was treated: not only was he subjected to hunger and cold and thirst, but he was tortured,—a treatment, doubtless, intended to make him promise an ample ransom. But what must have been the state of society, when a prince of the reigning house, when an ecclesiastical dignitary, could be thus treated? To procure his enlargement a considerable sum was raised by the community, but he resolutely forbade them to apply the smallest copper coin to such a purpose; he insisted on being gratuitously enlarged, even preferring the alternative of death to that of impoverishing an infant monastic colony. That he eagerly aspired to the crown of martyrdom is affirmed by his contemporary biographer, who appears to have been a canon of Töplitz; and his desire was gratified: irritated at the constancy with which he refused their demand, his gaolers put him to death. Of his sanctity no doubt could be entertained, from the miracle which he wrought the very night of the tragedy. A faithful servant of his lay in another dungeon, probably destined to the same fate; at midnight the domestic was surprised to find his prison illuminated by a celestial light, and his master standing over him. "Arise, quickly!" said the saint; "go to my brethren at Töplitz, and tell them not to be solicitous about my redemption, since I have already departed this life into the one of promise: but let them remove my body to the monastery, and give it the rites of sepulture." Instantly the chains fell from the prisoner's hands and feet; he arose, and declared his readiness to fulfil his master's command: "but how,"

he added, "may I escape from a place closed with so many bolts and bars? how elude the observations of the numerous sentinels posted on every side?" The reply was, "He who released St. Peter will also find a way for thee!" and the martyr disappeared. But the prisoner's situation was a doubtful one: the door of his dungeon still remained locked, and it was one of the highest apartments in the tower. Emboldened, however, by what he had seen and heard, he opened the window; and, notwithstanding the immense height, he courageously took the leap: not a feather could have fallen more gently, supported in his descent by the hands of invisible angels: he hastened to Töplitz, acquainted the fraternity with what had passed, and they lost no time in redeeming the dead body—of much less value than the living one—and in consigning it to the tomb. We leave the reader to his own reflections on the character of the story, of the people, and of the contemporary biographer.*

A nearer relative to the royal house of Bohemia, *St. Agnes*, was in the same century destined to canonisation. Born in 1205, the daughter of Premislas, king of the country, and her hand sought even during her infancy, there was little prospect that this princess would pass most of her life in the cloister. As early as her third year she was betrothed to the eldest son of the duke of Silesia; and, in conformity with the manners of the times, was sent to a nunnery near Breslaw to be educated for her future destiny: but in a few years the prince died, and she returned into Bohemia. In her ninth year she was affianced to Heinric, son of the emperor Frederic II., and this time she was sent into Austria, to learn the language and manners of the Germans, both of which were so different from those of her own country. While here, she resolved to preserve her 1205 to 1281.

* Anon., Vita B. Hrosnatæ (apud Bollandistas, Acta Sanctorum, die Julii xiv.) Bartholdus Pontanus, Bohemia Pia, lib. iv. p. 51. (apud Freherum, Rerum Bohemicarum Scriptores).

virginity; to become, not Cæsar's empress, but a nun; and in this view she commenced a course of austerities unusual in one of her sex and tender years. Fortunately for her purpose, this marriage was first deferred, and then evaded, by prince Heinric; and Agnes returned to her father's court. But a third persecution awaited her: Frederic himself, being a widower, demanded her hand; and, by her father's authority, she was again betrothed. But Premislas soon dying, and her brother, Wenceslas IV. succeeding, this enthusiastic creature, now in her twenty-fifth year, was the more resolved to escape the obligation she had been forced to contract. All her actions tended to the cloister: under her splendid apparel she wore sackcloth and an iron girdle; bread and water was her chief support; and her magnificent bed contained many sharp-pointed flints. Neither the winter's frost nor the summer heats could prevent her from passing the whole morning, from matins to the last mass, in the churches; and, to escape the notice of the people, she assumed the habit of a simple citizen's daughter, and wore the marble pavement with her knees. We may smile with contempt at such useless austerities; but perhaps the young lady found that less rigour would have been insufficient to subdue the tempter within. This circumstance alone can account for the similar instances we perpetually meet in hagiologic history. For its own sake, self-mortification can never be loved; and the degree will seldom exceed the wants of the occasion.—But how was she to evade the marriage? In 1233, Cæsar demanded his bride, and sent ambassadors to conduct her to his court. Seeing that her brother was no less intent than her father had been in the performance of the ceremony, she secretly invoked the interference of the pope, to whom she represented the vow of virginity she had taken, and the repugnance she felt to the state about to be forced on her. Gregory immediately despatched into Bohemia an apostolic nuncio, with a bull prohibitory of the intended marriage. This instrument was communicated by Wen-

ceslas to the imperial ambassadors; and Frederic, though at first indignant, was at length calmed by the reflection that to him she had preferred no mortal bridegroom. Being thus disengaged from her earthly ties, the first care of the princess was to found a monastery of the second order of St. Francis for virgins of St. Clair *; and in 1236 she solemnly professed. Her example allured many other ladies of the chief families in Bohemia into the cloister. Her own conduct, both as a nun and abbess, was so strict, so conformable to the rule she had embraced, that she was complimented by St. Clair himself, in letters still extant. Of the miracles which knavery invented and credulity propagated respecting her; of her numerous revelations, visions, and ecstasies, we shall say nothing. We shall only add, that she had virtues more conspicuous than even her austerities, and that her monastic life was protracted to the year 1281.†

But we must hasten from these to a few other saints, whom we shall notice in the order of time, without any regard to the province which boasts of their birth or labours. Of these, the first is *St. Ulric* (Udalric) the celebrated bishop of Augsburg. Placed in his early youth in the monastery of St. Gallen, his disposition to a religious life was encouraged by St. Wiborada, a recluse who passed her life near to the monastery, and who at length was murdered by the Hungarians. She dissuaded him, however, we are told, from assuming the habit at St. Gall; and when his studies were finished he was transferred to the household of the bishop of Augsburg. In 924 he was elevated to that see, not so much for his personal qualities, as for his birth. To do him justice, however, he well deserved the dignity; since he was not only zealous for religion, but he promoted useful studies, and governed the numerous vassals of his church with an affection truly paternal. 893 to 994.

* See Europe during the Middle Ages, vol. i. p. 217.
† Anon., Vita B. Agnetis, cap. 1—3. Alia Vita ejusdem, cap. 1—17. (apud Bollandistas, Acta Sanctorum, die Martii vi.).

His biographer and friend, Gerard the monk, praises him for his austerities, for his renunciation of linen, of flesh-meat, of a bed. We should rather be disposed to praise him for his boundless hospitality, for his care of the poor, for his indefatigable activity, for his instruction of his clergy, for his ardent devotion. Nor do we blame him for his martial defence of Augsburg, when assailed by the Hungarians. He would not, indeed, use the sword or the lance; but he headed his vassals, and encouraged them to fight manfully for their houses and their altars. In short, he was a most excellent prelate; and the only great fault he appears to have had was his immoderate attachment to his nephew Adalberon, whom he endeavoured to leave as his successor. Otho the Great, to whom he was confessor, and who held him in singular esteem, did not hesitate to promise that his kinsman should succeed; and the latter was even invested with the administration of the temporalities during the life of St. Ulric. But the German bishops wisely resisted the precedent, and Adalberon was compelled to resign the office. Of this partiality St. Ulric soon repented; wishing that he had never seen the face of his nephew, and expressing a fear lest his weakness would for a time debar him from the presence of "the saints made perfect." He survived his imperial master only two months, dying an octogenarian in 973.—A prelate still more celebrated was *St. Wolfgang*, bishop of Ratisbon, whose life, however, affords us few materials worthy of our notice. By birth he was a Swabian; but the time is unknown. What is of far more consequence is the assiduity with which he applied to his studies. From the private school, in which he acquired, we are told, a knowledge more extensive than falls to the lot of most youths, he repaired to the monastery of Augia, which from the time of Walafrid Strabo* had been illustrious for its erudition. But the school of Würtzburg, then governed by an Italian of great fame, was still more celebrated; and Wolfgang was persuaded by his companion, Heinric, brother of

* See the sketch of Walafrid in the preceding chapter.

Peppo, the bishop of that see, to repair thither. There, however, he did not long remain. The proficiency which he had made in letters, seems to have attracted the jealousy of his teacher. One day having, at the request of some companions, explained to them a knotty passage in a classic author, advantage was taken of the circumstance to expel him from the school. His first impulse was now to embrace the monastic life; but through the persuasions of his friend he deferred it. That friend being soon afterwards raised to the archiepiscopal throne of Trèves, Wolfgang accompanied him to that city. But he refused the splendid offers of the prelate; he would accept of no other post than that of instructing youth in the school attached to the cathedral; nor even it, except on the condition that his labours were to be gratuitous. A man of his simple wants, clad in the humblest attire, and refraining from the comforts of life, required little to support nature, and that little was doubtless supplied him by the archbishop. At length he embraced minor orders, and, after refusing the government of monasteries, consented to accept the office of dean,—an office, at that time, of no great dignity and of less profit. Here he subjected the few canons dependent on him to a rigorous rule, no less rigorous than that observed in the cloisters of a monastery. In 964, archbishop Heinric died at Rome, where he had accompanied his kinsman the emperor Otho I. One of his last requests was that the emperor would protect the interests of his friend Wolfgang. Seldom has any attachment been witnessed so disinterested and so enduring as that between these two ecclesiastics. It was probably at the instance of Otho, that his brother St. Bruno, archbishop of Cologne and duke of Lorraine, sent for Wolfgang, for whom he offered to procure the episcopal dignity. But the dean had no ambition; his heart was in the cloister; and, after residing a few months with St. Bruno, to whose virtues he bears honourable testimony, he obtained permission to abandon the world. He chose for the place

his retreat the solitary monastery of Einsidlen, then embosomed in a vast forest in the canton of Schweitz. Here he applied himself to the office of instruction; and, remote as was the school, it was soon attended by pupils from the neighbouring provinces. It was evidently his resolution to pass his life in this useful vocation; he was merely sub-deacon, and he had no wish to assume the sacerdotal functions. But St. Ulric of Augsburg, accidentally visiting the monastery, was so impressed with the modesty, the learning, and the piety of Wolfgang, that he ordered him to enter the priesthood. Constrained by canonical authority, Wolfgang reluctantly submitted; and having once assumed the character, he resolved to fulfil its duties with becoming zeal. He demanded to be sent on a mission into Hungary, and into Hungary he *was* sent; but he was soon recalled by the bishop of Passau, for reasons not very clearly defined. That bishop, however, perceiving his distinguished merit, resolved to procure him the vacant see of Ratisbon. The birth of Wolfgang was not noble; and the prospect of raising him to a church dignity seemed so chimerical, that it excited the wonder of many. But one of the margraves was so earnestly importuned by the bishop, and the margrave on his part was so urgent with Otho II., that the imperial mandate was despatched for the election of Wolfgang. All this was done without any communication with the saint, and the first intimation which he received of it was an order to meet the emperor. In spite of his protestations, which we may readily believe to have been sincere, he was invested. In his episcopal character there is nothing to condemn; and there is much not to be mentioned without admiration. His efforts were chiefly directed to enforcing the communal life among the clergy, and the punctual observance of the rule among the monks. Both orders had fallen into a lamentable state through neglect of discipline; more so in Bavaria than in any other country, except Bohemia and England. He succeeded in re-

storing regularity and an outward attention to the decencies of religion; but he could not infuse the spirit which was wanting: he was a man, and therefore could not create a new heart. All that an able and a zealous bishop *could* do he *did;* and left behind him a memory clear to all future generations. One little incident will better exhibit his character than a volume of description. A thief, entering his bedroom, cut away no inconsiderable portion of the curtains which were suspended around it. A domestic, observing the deed, pursued, seized, and brought him back before the bishop. Now, it was St. Wolfgang's duty, as a judge within his own jurisdiction, to try and punish the culprit; but nothing could be so foreign to his nature. He asked the man *why* he had committed the crime? "Because," replied the other, "I am poor and half naked." The saint readily admitted the plea, ordered him to be clothed, to be otherwise relieved, and then dismissed; observing, that, if the man *now* reverted to his wickedness, there would be some reason for chastising him.*

From the time of Charlemagne, whose sanctity few readers will much esteem, Germany could boast of only one canonised emperor, *Heinric II.* Of his political life we have given a sketch in the preceding volume: his religious life must not wholly be dismissed without notice. While duke of Bavaria, his elevation was believed to have been predicted by St. Wolfgang. While on a visit to the shrine of that saint, in 996,—two years only after Wolfgang's death,—he had a dream, in which, as he thought, the deceased prelate appeared to him, and bade him look on the wall. There was an inscription; but all that Heinric could discover was, "*After six!*" Much, on his awaking, did he ponder on this mysterious intimation. His impression was, that, after six days, 1002 to 1024.

* Gerardus, Vita S. Udalrici, cap 1—27 (apud Mabillonium, Acta SS. Ord. S. Ben. Sæc. v. pp. 421—456.). Liber de Miraculis S Udalrici, cap. 1—30. (apud eundem, p. 461.). Gebehardus, Vita ejusdem Sancti (in eodem tomo). Bollandistæ, Acta SS die Julii iv. Anon., Vita S. Wolfgangi, cap. 1—45. (apud Mabillonium, eodem tomo, p. 811, &c.). Surius, De Probatis Sanctorum Vitis, die Octob. xxxi. Raderus, Bavaria Sancta, tom. i. p. 94, &c.

he should die; and in this feeling he gave much of his substance to the poor, and prepared for the event. Finding, at the expiration of the week, that he was as well as ever, he substituted *months* instead of days (we are not told why he overlooked the weeks); and, when the months were past, he was sure that *years* must be meant. But the seventh year placed him, not in the sepulchre, but on the throne of the empire; and thus was the prediction verified. On what basis this dream was founded, would be vain to enquire. In it there is nothing very improbable; but, more probably, it was made after the event. Heinric had virtues worthy of any station; but they were not unalloyed by superstition. To his queen, St. Cunegund, he was greatly attached; yet, from the very day of their marriage, he refrained from her bed—doubtless, however, with her own consent. But what perversion of religion must that have been which could cause him to enter on a responsible state, yet disregard its most imperative obligations? With the same mistaken views, he wished to exchange his palace for a monastic cell. Being one day in the monastery of St. Vannes, at Verdun, he quoted a verse of the 131st Psalm, to the effect that here he had chosen his dwelling. The words were noticed by the bishop of the diocese, who represented, in private, to the abbot, that such a step must lead to the ruin of the empire. Fortunately, Richard (the superior) was capable of understanding the crisis and the part which duty prescribed. Without openly opposing the emperor's design, he caused him to appear amidst the assembled community, and demanded whether he persevered in it. The postulant replied, that his firm resolution was to quit the secular habit, and to serve God with that community. "Are you willing," rejoined the abbot, "in accordance with the holy rule of St. Benedict, and with the example of Jesus Christ, to be obedient unto death?" Heinric replied in the affirmative. "Then," said Richard, "I receive you as a member of the community, and I take charge of your soul. Henceforth you are bound to obey me in

all things. My commands are, that you return to the government which God has confided to you, and endeavour, by a firm and impartial administration of justice, to advance the prosperity of the state." With regret, we are told, did Heinric comply with this wise advice. From this time, however, he was associated with the community of Cluguy, on which St. Vannes was dependent; and in his palace he practised the monastic observance. He died in 1024, being beyond all doubt the best prince of the middle ages, with the single exception of St. Louis.—*St. Cunegund*, the widowed consort of Heinric, survived him sixteen years; 1040.
but at one time she was near preceding him to the tomb. She was accused of seeking in the arms of a gallant the enjoyments which her husband refused her; and the accusation created considerable sensation throughout Europe. That St. Heinric himself suspected her guilt, is undoubted, and not without reason, if it be true that a handsome man had been seen more than once to enter and leave her bedchamber. Two at least of the old chroniclers relate this circumstance; but they had no difficulty in accounting for it: the handsome stranger was no other than the devil, who, because he had assailed in vain the chastity of the empress, at length determined, that, though innocent, she should suffer as if she were really guilty. But, though inclined to admit, we by no means vouch for, this suspicious circumstance; and, even if it were proved, the presumption of guilt might with greater probability rest on some female attendant of the queen. Let us add, too, that the mortified life led by her, and her acknowledged virtues, would not well harmonise with so vicious a propensity. However this be, she demanded the ordeal — nine red-hot plough-shares, over which she passed uninjured. After the emperor's death, she retreated from the world to a nunnery, which she founded near Cassel for that express purpose. The day which she chose for her profession was that of the dedication of the church and the first anniversary of St. Heinric's death. The cere-

mony has been minutely described. During the mass, she stood before the altar in her imperial ornaments. After the gospel, she laid aside her purple robe, and threw over her a dark tunic, which she had made with her own hands. Her hair was then cut; she received the mysterious veil and ring, and joined at the prayers usual at the consecration of virgins. The fifteen years which she passed in the cloister were distinguished for great devotion, and for great charity towards the poor; nor did she, who had filled the most illustrious throne in the universe, disdain to attend the sick-couch of the humblest sister of the community. Adopting in its literal sense the apostolic injunction, that whoever will not labour ought not to eat, she was occupied during her leisure hours in embroidery. Her remarkable expertness at the needle would, however, scarcely be required to enhance the value of her work, which was always sold, and the proceeds of which were applied to augment the funds of the convent, and to the relief of the poor. In 1040 she paid the debt of nature, and was laid by the side of her sainted husband, in the cathedral of Bamberg.*

1035 to 1091. Besides Cunegund, Germany could boast of other female saints, who forsook the world for the cloister. Thus St. Matilda, consort of Heinric I., and St. Adelaide, consort of Otho the Great, won the admiration of their contemporaries; but, whatever was their piety, their lives have little to interest the reader. For the same reason, we must omit such male saints of this period. Though *St. Symeon* was not a German, yet, as he passed many years in an hermitage near Trèves, he may be slightly noticed here. His father was a Greek, his mother a Calabrian, his birthplace Syracuse, in Sicily, before the close of the tenth century. At an early age he was sent, according to the custom of respectable

* Surius, De Probatis Sanctorum Vitis, die Julii xiv. et die Martii iii. Bollandistæ, Acta Sanctorum (iisdem diebus). Mabillon, Acta SS. Ord. S. Ben. Sæc. vi. pars i. Canisius, Lectiones Antiquæ, tom. iii. pars ii. p. 27. Baronius, Annales Ecclesiastici (sub annis).

Sicilian youths, to be educated at Constantinople. While here, he learned one bad thing from the Latin Christians, —to admire the pilgrimage to the Holy Land, about which the Greeks appear to have been nearly indifferent. Impressed by his enthusiasm, and, in a great measure, by something more excusable, — the desire of seeing other countries, — he took wallet and staff, and trudged away to Jerusalem. During some years he served as a guide to the madmen who daily arrived from the West. His next freak was to seek some hermit who might instruct him in that mode of life. There was one on the banks of the Jordan, inhabiting a deserted tower, much famed for sanctity; and to him he hastened. Here he remained for some time, assiduously attending his aged companion, to whose virtues he bears testimony. From an anecdote which he himself relates, we may infer that there was some difference in the character of the two inmates, and that the old man was heartily sick of his young companion. One day, Symeon, being in a lower apartment of the turret, amused himself with casting wanton glances at some girls who were watering their camels in the river. The hermit, he was sure, could not perceive him from the higher story; yet he was immediately summoned above, and asked what he had been doing — of what he had been thinking. Who, after this, could doubt that the old man knew his very thoughts? "Son," said the sage, "little can it avail thee to have forsaken thy paternal inheritance, if thou yet indulgest in thine heart the desires and lusts of the flesh. If thou wouldst be a disciple of Christ, bid adieu to worldly vanities: God's servant must always be defended by his spiritual armour, so that the deceiver of men may find no opening to his heart." The hermit then took his leave of the tower, under the pretext that it was too public for him; nor would he give the knave the slightest intimation where he was going. Probably he intended to return; for well he knew that, after his departure, the tower would not long hold the unwelcome intruder. In fact, Symeon now repaired to Bethlehem,

where he professed as a monk, and even received deacon's orders. In two years, however, the great mover of his life — love of change — led him to the foot of Mount Sinai, where the abbot of the place admitted him, apparently as a sort of lay brother. But with the sameness of the monastic routine he was soon disgusted; and he asked the abbot's permission to retire into some more private situation, where he might surrender himself to devout contemplation. Readily did the superior consent; and we next find him in a little cavern on the borders of the Red Sea, where every week he received bread from the monastery. This place, too, he soon left; and returning to Mount Sinai, as the fraternity probably refused him admission, he chose himself a cell contiguous to that of a holy anchorite. Nor was he long in this place; for we soon find him the sole inhabitant of a monastery, which, through the perpetual incursions of the Arabs, had been deserted, and which was situated on the very summit of the holy mountain. Here, though he was only a deacon, the devil often tempted him to celebrate mass; and one night, two of the waggish demons dragged him out of bed, and led him to the altar, where alb and stole were ready; but, making the sign of the cross, he put them to flight. This means, that having wandered to the altar in his sleep, he awoke, and found to his sorrow that he was no priest.—At length he was sent to Europe, to receive the arrears of the annual pension which duke Richard of Normandy had been in the habit of sending to the monastery of Mount Sinai. Unwillingly, he assures us, did he accept the mission: certainly it was one which no other brother would have accepted; and we suspect that it was merely a pretext to remove him from the neighbourhood of the community. Manifold were the perils of his journey. In one city of Palestine he was seized as a spy, and was not released without difficulty. And, soon after his embarkation for Venice, before they left the Nile, the vessel was taken by pirates. He assures us, however, — the reader must remember that

this relation is his own, since his biographer could only know what *he* chose to tell, — that, had his advice been taken, the catastrophe would have been averted; for, three days before, he had a prophetic warning of what was to come. All on board were massacred except our prophet, who, leaping into the Nile, escaped, notwithstanding the number of missiles which were sent after him. Our Munchausen soon reached a town, where, though he spoke Egyptian, Syrian, Arabian, Greek, and Latin, nobody could understand him; and he remained hungry and naked. On the third day, some one threw him a vile tunic, and in it he hastened to Antioch. Here he met with tender Christians, who pitied his sufferings, and admired his virtues. Here, too, he fell in with Richard, abbot of a monastery in Verdun, and with Eberwin, afterwards abbot of St. Martin at Trèves — both on a pilgrimage. These he joined, from a resolution to return with them into Germany. At Belgrade, *they* were allowed to pass, but *he* was not; but as he was determined to reach France, he proceeded to the Adriatic, crossed it, passed through Rome, again embarked, and landed in that kingdom. On reaching Rouen, however, he found that the duke was dead, and no money to be obtained. He now bethought himself of the abbot Richard and his brother pilgrim, from whom he had been separated on the Hungarian frontier. By them his wants were relieved, and he was soon chosen to accompany archbishop Poppo (of Trèves) to Jerusalem and back, — a function for which his knowledge of the localities, of the Eastern manners, and language, certainly qualified him. But all that the archbishop, on their return, would do for him, was to shut him up in a hermitage not far from Trèves. Here the vagabond passed the last seven years of his life, bread and wine being furnished him from a neighbouring monastery. Here, too, the devil was highly amused in teasing him; generally by despatching wild beasts to bellow, and strange birds to scream, around his dwelling. Once the hut was shaken to its very foundation; nay, it reeled to

and fro like a ship in a storm. Well did he know whose doing was this; but he the more zealously applied to his prayers, and the commotion ceased. Another night, opening his eyes, great was his surprise to see his cell filled with light. At first it gave him pleasure; but remembering that Satan could transform himself into a bright angel, he began to pray, and the splendour disappeared. Sometimes he had the honour of seeing with his bodily eyes the prince of darkness; and many, he averred, were the shapes which his highness assumed. Whatever were his struggles with the evil one, he had little reputation for them; he was regarded by the people as somewhat too familiar with the fiend; and a dreadful inundation arising, all swore that it was Symeon's work. One day a multitude hastened from Trèves to demolish his hold and stone him to death; they broke his windows, and threw stones at him; but apparently were unable to reach him. On his death, however, in 1035, the popular feeling ran in a different current; every one swore that he was a saint; and not a few were the miracles reported to have been wrought at his tomb. It is but justice to add, that during the seven years of his seclusion in the diocese of Trèves, his conduct was unexceptionable; that he had completely forgotten his roving disposition. Saints, however, were easily made, or Symeon would have had some difficulty in establishing his claim.*

1093. The life of *St. Wilhelm*, abbot of Hirsaugen, was widely different from that of the preceding. Once, indeed, he visited Rome; but it was to obtain the confirmation of certain privileges attached to his monastery—privileges, however, which, in an age of violence, were not always regarded. The count of the district claimed the property; and would certainly have seized a portion of its revenues, had not the abbot caused a new charter to be

* Eberwinus, Vita S. Symeonis, cap. 1—4. (apud Bollandistas, Acta Sanctorum, die Junii i.). Chronicon Belgicum, necnon Chronicon Trevererense (sub annis).

drawn out, sealed with the emperor's signet, and approved by the pope. But this saint we notice, not for these obscure broils, but for his unrivalled and unwearied charity. When the stores of the convent were, as was often the case, exhausted; when its corn and wine had disappeared with its treasure; then he exhorted his monks to rejoice, since they were tried in the very way that Christ himself had been; since poverty was the best of all probations for the soul: it made them more dependent on Heaven, in which it confirmed their trust; and it was always followed by relief through the especial providence of God. Many, we are told, were the occasions, when, contrary to human expectation—when, by an interposition scarcely less than miraculous—their empty coffers and granaries were replenished. One day, the brethren who presided over the external affairs of the community were in want of five pounds of silver, and they disconsolately complained to him, that unless it was immediately furnished, all must severely suffer. There was no money left,—a fact which they well knew; yet he upbraided them for their want of faith; assuring them, that if the occasion were so urgent, God would meet it. He went out, prayed, and suddenly, we are told, a man arrived, gave him the money that was wanting, and departed. Another anecdote is equally characteristic. Going to visit a cell on the banks of the Danube, in his way he perceived a mean hut, which he entered with one of his companions, leaving the rest to walk on. His object was, probably, to examine the spiritual condition of the inmates. On entering, he perceived a very poor woman; and, without ceremony, he sat down by the side of the fire. Casting his eyes around, and perceiving the extreme poverty of the hut, he asked her how she and her husband contrived to live. Their life, she said, was one of misery, bread and water being all they could procure by the labour of their hands, and even that with difficulty. The husband soon arriving, was asked about his religious faith and practice. Both he and his wife were too far distant

from any church or oratory to be benefited by the public service; and, in addition, they were grossly ignorant of the first truths of Christianity: they knew not even what the Gospel meant, nor whether a revelation had ever been made to man. In the bosom of a German forest, such deplorable ignorance need not surprise us: it exists even at the present day in the most populous parts of England. The abbot, however, was deeply affected. What wonder, he observed, that, as you know not God, who alone is able to supply you with the necessaries of life, you should thus be abandoned? He began zealously to instruct them, enjoined them to follow him the next day to the cell, and made them continue their visits until they were sufficiently instructed in the saving truths of religion. In the mean time, he amply relieved their temporal wants. On another occasion, he divided his cloak with two half naked natives; on all he gave what he had to give, whenever the necessity was apparent. Unfortunately, however, for his virtues, — and the observation is equally applicable to nine tenths of the hagiologic lives, — they are so interwoven with fabulous legends, the manifest offspring of imposture, that every reader must be provoked to throw aside the book, with a hearty curse on the knavery which could invent such monstrous things. These miracles — some puerile, some blasphemous, most very absurd — are a terrible reproach to the Roman catholic church of the middle ages. Why did she sanction them? Why require that miracles should precede canonisation? Why approve miracles at all? Why not uniformly receive them with distrust? They have, indeed, been long exploded; and for this we must thank the progress of knowledge. Charity, nay, even historic justice, however, demands the admission that the knaves were few, though the dupes were many, — few, we mean, in comparison with the dupes; for, *per se*, they would form a goodly number. Nor must we forget that an excited, which means a crazed, imagination can see miracles any where. John Wesley

was no knave; yet John, in his journals, and in the earlier volumes of the Methodist Magazine, has portents every way as great, and every way as puerile, as those of the monastic biographers. And *he*, we must remember, has not the plea of ignorance, or the universal belief of a barbarous age, to excuse him.*

But it may be doubted whether any stretch of charity will be sufficient to cover two or three saints of the twelfth century. Of *St. Elizabeth* (yet she has never been canonised) we have spoken on a preceding occasion†, but so briefly, that we may revert to the subject. Born in 1130, in the diocese of Trèves, while in her infancy she was placed in the monastery of Schonau, where she professed. Of her early conventual life we have no information. We are only told that, in her twenty-third year, she began to be favoured with revelations from heaven. But, from her own account, her diffidence was such that she could not be persuaded to reveal them. Yet the revelations were intended for the world, especially for the clergy, to whose morals they bear no very edifying testimony; and the angel, in one of his visits, actually proceeded to cudgel her for so long delaying to disclose them. Terrified by the anger of the angel, at the persuasion of the abbot Helduin, — the monastery was a double one, — she sent for her brother Egbert, a canon of Bonn, and to him she revealed her frequent communications with the celestial world. These Egbert committed to writing, generally as she dictated them to him; and in this employment he appears to have passed at least four or five years. The result is contained in four books, which may be ranked among the most extraordinary productions of the human mind. Let us glance at some of the relations. The first supernatural appearance was in the octave of the Pentecost, 1152. Owing to some unexplained cause (*occasione quâdam detenta*), she could not approach the sacramental table;

1130 to 1165.

* Haimo, Vita S. Wilhelmi Hirsnagiencis Monasterii Abbatis (apud Mabillonium, Acta SS. Ord. S. Ben. Sæc. vi. pars ii. p. 725, &c.). Bollandistæ, Acta Sanctorum, die Julii iv.

† See Europe during the Middle Ages, vol. i. p. 299.

and this was, probably, the reason why the devil was permitted to make so free with it. Her distress of mind she describes as intolerable; so much so, that she was on the point of destroying herself; but, remembering that the Lord was merciful, she refrained. At complins she perceived in the oratory a little thing habited in tunic and cowl, just like a monk; and a sudden illness assailing her, she desired the prioress and some sisters to meet her in the chapter and pray over her. But when she endeavoured to kneel before the crucifix, her joints stiffened so that she could not bend them. Through a great effort, however, she fell prostrate on her face; and after prayer, the Gospel containing the Passion was read over her; when, just at the words, "and Satan entered into Judas, surnamed Iscariot," in he came, laughing and grinning. None but herself could perceive him: but luckily he vanished at the conclusion of the Gospel. The following morning, he reappeared, but not in the most lovely form. His shape, indeed, was human, if we except his hands and feet, which resembled the talons of an eagle; but his face was of fire; his tongue like a red-hot shovel, protruding far from his mouth; and his look terrible. In this way did he appear seven successive times in the course of one day; and once like a lap-dog. The next morning he was at her bedside, swearing that with one of his sandals, which he held in his hand, he would knock out her teeth; and just before mass he assumed the form of a wild bull, endeavouring to gore her with his horns: but help was at hand. During the performance of mass, which was in honour of Our Lady, in an ecstasy she perceived that queen of heaven surrounded by marvellous splendour, and bowing before another light far more glorious than it. The adoration was repeated four times; the last time the queen remaining prostrate much longer; and on rising, she descended nearer to the earth, accompanied by two shining ones. He on the right was in the monastic habit, and Elizabeth instantly felt that it must be St. Benedict. but he

on the left she does not mention further than to say, *juvenis decorus videbatur*. The Most Blessed Queen signed her with the cross, bade her not to fear, since the enemy should not be able to harm her, and disappeared. The devil, however, if he could not bodily assail her, continued to annoy her by his visits. At length, through the prayers of both convents, and the efficacious masses offered on her behalf, he ceased to appear visibly before her.—In future, her intercourse was to be with very different beings. Thus, on the festival of St. John the Baptist, she was visited by him; on that of Saints Peter and Paul, by them; and by every saint in succession throughout the calendar. But the most extraordinary part of her visions consisted in the repetition of the several scenes in Scripture history. Thus, on the festival of St. Mary Magdalen, she saw two shining angels sitting at the entrance of a sepulchre, a woman approach towards it, and a young man of exceeding loveliness join her. Who could *he* be? The sudden appearance of a golden cross by his side sufficiently answered the question. Thus, also, on the festival of St. Jacob, a ladder, reaching from heaven to earth, was continually trod by the feet of descending and ascending angels. On the festival of St. Michael the Archangel, she saw him in a manner becoming his dignity. Holding in his hands a banner of great splendour, and followed by a vast army of angels, — whether there were trumpets, she does not condescend to inform us, — he approached in solemn state the throne of the Highest, and all then bent with the greatest humility. She saw, too, the wine in the chalice turn into blood, and the consecrated bread into a body of flesh. She saw the despair of hell, the pains of purgatory, the bliss of heaven. But the most blasphemous of her tales were the repetition of those scenes of Scripture relating to the salvation of man. A lovely female delivered in a stable, her infant laid in a manger, and three kings from the East arriving to worship it; the chief miracles performed by our Saviour, according as the commemoration was

celebrated in the service of the day; the agony in the garden; the treachery of Judas; the mockery of the purple robe and of the thorny crown; the procession to the place of crucifixion; the fulfilment of that awful ceremony; the taking down from the cross; the appearance of the crucified to the two women; the glories of the resurrection; the descent of the Holy Ghost in the form of cloven tongues: these and other scenes she declared that she had seen renewed. From the year 1155, she was constantly visited by an angel, who denounced God's judgments on the world, unless they were averted by repentance. We have, in fact, some sermons from the celestial visitant, all which she immediately dictated to her brother, and by him they were committed to writing. Angelic as they are, we think, — with reverence be it spoken, — that we could compose much better sermons ourselves: they are rambling, unconnected, superficial declamations, exceedingly common-place in idea, vicious in style, and remarkable, above all, for a perverse application of scriptural texts. Some of the questions, however, which she puts to him, when she wishes to comprehend his meaning more clearly, are interesting; since they afford us a glimpse into the nature of the temptations peculiar to the cloister, and into the manners of the ecclesiastics who lived in the world. Of marriage, the angel is made to speak very favourably; and on this subject we may observe that Elizabeth is fond of dwelling. The chief end of marriage is, of course, the propagation of children; and this must always be kept in view: let not the *debitum* be withheld; but then let it be paid with reference to that end alone, without the intervention of the carnal feeling. However, if such feeling do enter, the fault is only venial, and may be easily effaced by almsgiving. The state she designates as "delectably sweet," notwithstanding its cares.—The most singular, however, of Elizabeth's visions relates to St. Ursula and the eleven thousand virgins, whose fate she had learned from the angel, and whose bones certainly lay at Cologne, in some tombs which had been recently

discovered. The exposure of this monstrous legend is well known to every reader of archbishop Usher; and on the same subject let us hear the cautious but decisive language of Fleury.

"Hitherto we have no reason to suspect the fidelity of Egbert; but the visions of the fourth book contain grave difficulties, for nearly the whole regards St. Ursula and her companions,—among others, St. Verena, whose bones Gerlac, abbot of Duits, had sent to Helduin, abbot of Schonau. In this book, Elizabeth relates, at great length, what she pretends to have received from the lips of Verena herself, of an angel, and other saints; but so fabulous, that it is manifestly untenable. For instance, she speaks of a pretended pope Cyriacus, unknown to all antiquity, as living between Pontian and Anterus, viz. in 235: at the same time we have a king of Constantinople named Dorotheus, and a separate king for Sicily. Yet Elizabeth pretends to rectify the errors of historians, at least as to the eleven thousand virgins. Now I see only two ways of explaining these difficulties:—Either Elizabeth, having attentively read, or heard repeated, these tales, had so filled her imagination with them, that she mistook for revelations the traces of her own memory; and that Egbert was unable to distinguish between them in the mind of his sister: or we may say with cardinal Baronius, on a similar subject, that this part of the revelations is wholly invented; that Egbert, or some other person, wishing to find authority for this history of St. Ursula, has attributed it to Elizabeth, making her speak as he pleased. But either supposition, we must admit, aims a fatal blow at *all* revelations; for who can prove to us that others are more faithful. We must agree with the learned and pious father Papebroch, that no dependence can be placed on these revelations of saints, for the establishment either of theological dogmas or of historic facts; since we find revelations contradictory to each other; and that, for facts, we must recur only to authentic historians, under the guidance of the most judicious criticism."

What the abbé evidently perceived, but did not choose to express, we, who are no Roman catholics, need not suppress. Elizabeth was an impostor; her brother Egbert was an impostor; the abbot Helduin was an impostor. Of the three, however, we believe that the jade herself was the least guilty. *She* was clearly in the worst stage of craziness; nobody ever deserved Bedlam so richly. *They* had a purpose to

gain,—to accredit the legend of the eleven thousand virgins, (eleven thousand *virgins!* all from *Cornwall!* all princesses, or of noble birth!!!)—for they well knew that the vile imposture would bring offering to St. Verena's shrine. But enough of them and their sister, half knave, half dupe; we only add, that some years before her death she was made prioress of Schonau, and that she died in 1165.*

1098 to 1178. On *St. Hildegard*, abbess of Mount St. Rupert, near Mentz, whose revelations are equally celebrated, and somewhat less absurd, than those of her contemporary, we cannot pass a favourable judgment. The events of her life are few and unimportant. From her infancy she is said to have seen extraordinary things,—which means, that from her infancy she was of unsound mind. At eighteen, she and another holy female were shut up as recluses at Disemberg; and here she remained more than forty years. But from her frequent visions, from her prophecies, and from her explanations of Scripture, she became so celebrated, that by the archbishop of Mentz she was appointed the first abbess of Mount St. Rupert. Her celestial communications appear to have commenced in her forty-third year; no unnatural effect of her secluded life, especially when we add that her constitution was exceedingly delicate, that she was generally indisposed. She saw, it is said, heaven opened, and from it issued a luminous fire, which entered her head, her heart, and her whole breast, yet did not injure her: on the contrary, it gave her a sweet animation. With it she received the gift, not only of interpreting the most recondite passages of Scripture, but of explaining the hidden councils of heaven. As she did not understand Latin grammar, her comments, if they may be so called, were written by a clerical associate,—no doubt, the chief hand in the imposture. Her fame spread so widely, that many of the

* Vita S. Elizabethæ partim ab ipsamet dictata, partim ab Egberto fratre scripta, cap. 1—9. (apud Bollandistas, Acta Sanctorum, die Junii xviii.). Usserius, Antiquitates Ecclesiarum Britannicarum, p. 619. Fleury, Histoire Ecclésiastique, tom. xv. p. 28, &c.

neighbouring abbots, bishops, and clergy at length solicited her advice, both as to the government of their flocks, and as to the care of their own souls; and some proposed questions which would have puzzled the most profound theologian. After the approbation of her writings by pope Eugenius III.—an approbation obtained through the entreaties of the archbishop of Mentz and the celebrated St. Bernard,—her decisions were regarded as sacred, as inspired by the Holy Ghost. Nothing, indeed, can exceed the number of such applications; nor the reverence with which they were made. But, in general, her answers are not definite; in many, far from satisfactory. Some subjects she dexterously evades; some she partially notices; and on others she recurs to a mystical interpretation, unintelligible even to herself. "I throw myself at the feet of your sanctity," says the prior of St. Victor: "tell me, thou who knowest the decrees of heaven, shall I be saved or damned?"—"Avoid evil, do good, and thou shalt be saved!" was the prudent reply. Another abbot asked her which of the popes, during the schism occasioned by the war between Frederic II. and the papal court, was to be obeyed. This question she wholly evades, and her reply is incomprehensible. A priest wished to turn convert,—that is, to forsake the world for the cloister,—and most earnestly did he entreat her to learn to which of the numerous orders the Holy Spirit wished him to be united. In her reply, she merely directs him to persevere in his intention, but condescends to mention no order. Even the authorised teachers of the church, those most eminent for learning, were not backward to propound theological questions to her. But if, in speaking of a saint, we may use so profane a term as *shuffling*, we should say that it was the only science in which she had made much progress. We are utterly at a loss to account for the celebrity either of herself or of her writings, except on the principle, that, as man is the most imitative of animals; as one writer follows another, as certainly as the sheep follows its leader; so the contem-

poraries of the saint have been followed by their successors. In literature there is less originality than in any other path; and a book not compiled from other sources, is as rare as a "black swan." It is singular that Cave, a protestant writer, should speak so favourably of this woman; should represent her as of rare endowments, of wonderful piety towards God, remarkable for her religious zeal, and, above all, renowned for the miraculous visions and prophecies vouchsafed unto her. Far more just is the opinion of Casimir Oudin,—"Claruit igitur multis, ut volunt, revelationibus, quæ apud amantes mysticarum visionum, devotosque simplices, plurimi, æstimantur; sed apud graves, et à muliebri simplicitate alienos viros modici ad modum ponderis sunt; nullius meriti, purissimæ vacui cerebri illusiones nocturnæ: qui idem omnino ac merito sentiunt de aliis omnibus mulierum ejusmodi visionibus, sexum muliebrem præsertim, utpote infirmiorem, afficiantibus." To this forcible designation of St. Hildegard's visions we have nothing to add. Her frequent infirmity of body renders it improbable that she was much of an impostor; but that she had some portion of the quality, is, we think, indubitable—unless, indeed, she were the dupe of her amanuensis.*

1188. Of all the hagiologic lives during the period before us, that of *St. Hildegund* is the most remarkable,—not from any influence she exercised over the Germanic church, but from her personal adventures. During many years her parents had no offspring; and many were the prayers which they directed to Heaven for the removal of what they regarded as a calamity. At length the wife exhibited signs of pregnancy; and was duly delivered of twins, both daughters. At a suitable age, both were placed in a nunnery to be educated; and their father in the joy of his heart—perhaps, too, in consequence

* Godefridus et Theodoricus, Vita S. Hildegardis, lib. i. cap. 1, 2., lib. ii. cap. 1, 2, 3., lib. iii. cap. 1—3. (apud Bollandistas, Acta Sanctorum, die Septemb. xvii.). Surius, De Probatis Sanctorum Vitis (ejusdem diei). Cave, Historia Literaria, A. D. 1170. Oudinus Commentarius de Scriptoribus Ecclesiasticis, tom. ii. col. 1572.

of an express vow—was preparing to show his gratitude to the Giver of all good by a pilgrimage to the Holy Land, when his wife paid the debt of nature. But though this event suspended, it did not prevent, his departure. The most extraordinary part of the transaction, however, is, that he resolved to make one of his daughters the companion of his journey, disguised as a male, leaving the other to take the veil. The reason of this notable disguise is not mentioned; but we may conjecture it to have been a wish to avert the insults, even the danger, to which, in so long a voyage, her chastity might be exposed. They proceeded to Italy, and embarked; but on the passage the father died, recommending his reputed son to the care of a domestic, with an injunction to accomplish the pilgrimage. Accordingly the holy place was visited; and the two returned to Acre with the intention of re-embarking for Italy. But the domestic was a traitor; while his young mistress slept, he stole her money and departed. Great was her dismay to find herself in an unknown land, without money, without friends, without that confidence which is granted only to the bolder sex. But her wants were supplied by the bounty of another pilgrim, with whom she revisited the holy places. And a pilgrim from Cologne soon arrived, a friend of her father's, yet unacquainted with the sex of his children: with him Joseph (thus the maid was called) returned to Germany. It is strange that she did not now throw off her disguise, and hasten to join her sister in the nunnery; and this disguise, with its attendant and succeeding circumstances, seems altogether so romantic, that, were it not attested by two writers cotemporary with her,—by the priest her confessor, and by Cesarius of Heisterbach,—we should reject it. She entered into the service of a canon of Cologne, whose confidence she so much gained, that, in an appeal which he had pending at the papal court, he insisted that Joseph should accompany him. Great, we are told, was the maiden's reluctance to undertake so long and

perilous a journey;—perilous at any time, from the insecurity of the roads, and the lawless character of the people; now doubly so, from the fact that the appeal was in opposition to the emperor Frederic, whose unscrupulous instruments might waylay them. The canon and his servant, as master and scholar, proceeded by way of Mentz towards Augsburg. But in a wood near that city, as he rode considerably in advance, and Joseph walked behind, the latter was joined by a notorious thief. While the two travelled together, a hue and cry being suddenly raised behind, the thief, whose conscience alarmed him, requested Joseph to hold a sack which he carried, while he cut a stick in the forest. The sack and its contents had been stolen the night preceding: the bearer was overtaken with it, and without ceremony dragged to Augsburg, and taken before the judge. Vain were his protestations of innocence; he was derided and condemned. In this emergency he sent for a priest, to whom he unfolded his situation; and as a proof of his sincerity showed his master's letters, which he carried enclosed in a hollow travelling stick. Through the interference of the priest, the wood was diligently sought, and the true culprit discovered; but as *he* denied the guilt, and nothing could be proved against him by the bare testimony of one who had been so suspiciously found with the sack, the ordeal was enjoined by the judge. Of course Heaven declared for the innocent; the true thief was hung, and Joseph honourably dismissed. But he fell from one danger into another. In the same forest, while hastening to overtake his master, he was beset by the kinsman of the dead thief, who, resolving that he should suffer the same fate, hung him without ceremony on the very tree which the real culprit had so recently graced. But innocence was not to be thus oppressed. Joseph felt that he was supported by invisible hands; that, instead of pain, he was filled with joy. After hanging two or three days, some shepherds came to bury the corpse; but no sooner was it cut

down, than finding, to their amazement, that he lived, they precipitately fled. Nor did the good offices of the angel here end. Mounted on a fine white horse, he caused Joseph to ascend behind, and soon brought him within sight of Verona. There he found his master, who was overjoyed at his safety: both proceeded to Rome; and when the business of their journey was transacted, returned to Germany. After some adventures, Hildegund, still retaining her assumed name and character, was admitted as a novice into the Cistercian monastery of Schonau. No suspicion, we are told, was entertained of her sex, which remained undiscovered during the short period of her life; until death had summoned her away, and her corpse was washed previously to its being laid out. Nothing, says the priest her biographer, who often saw her, could equal the astonishment of him and the monks on discovering the sex of brother Joseph. The corpse, however, was committed with due rites to the tomb; but the prayers for the dead were, of necessity, offered for sister N——. In this remarkable relation, which, omitting its supernatural parts, is historically true, there is much to excite suspicion. Was not Hildegund the mistress of some brother in the community of Schonau? If not, why should she have entered a monastery, when so many convents of nuns were ready to receive her? That she should become a saint, would be the most surprising portion of the affair, did we not know that persons of very dubious claims are in possession of the honour. Probably the detection of her sex, which was so much calculated to injure the reputation of the monastery, rendered the monks the more anxious to proclaim her sanctity; nor, in an age when miracles could be easily verified, could there be much difficulty in placing her "inter divos." We must, however, observe, that Hildegund is not received as a saint by the church universal; that she is invoked only in the diocese of Cologne, or at most by the monasteries of the Cistercian order: nor of miracles, except such as

were performed during her life, — the notable one, especially, of her preservation under the gallows, — do we find any mention in her life. On the whole, we do not see what opinion can be formed of her other than this, — that she was frail; and that one member, at least, of the Cistercian community was vicious.*

But of saints enough, and of knaves more than enough; especially as, in a former work, notices of several may be found who are here omitted.† What further information we have to give respecting the Germanic church during the period before us, must be incorporated with our observations on its intellectual state. The two subjects, indeed, are so closely connected, as to be almost inseparable.

II. *Literature.* — In regard to the scientific state of the church during this period, there is absolutely nothing to strike the reader. To science the German mind was never much disposed; nor did, in subsequent ages, apply to the study, until ignorance was a reproach. The sciences confined to the ecclesiastics — grammar, metaphysics, dialectics, theology — remained in the same state; for, though the scholastic subtilties were eagerly learned in other countries, they were neglected in Germany until Albertus Magnus diffused a taste for them. The creation of his vast powers, and the effects produced by them, must be referred to the diffusion of the Franciscan order, and to the emulation between it and the rival order of St. Dominic. Though missionaries of both were spread in Germany during the lives of their founders ‡, the erudition which they were the means of producing, was not fully in existence until the last quarter of the thirteenth century. — In the arts

* Manrique, Annales Cisterciences, A D 1188. Cesarius Heisterbachensis, Miracula, lib i. cap 40. Vita S. Hildegundis, Auctore Sacerdote Canonitio ipsius Sanctæ Famibari et Magistro, cap. 1—5 (apud Bollandistas, Acta Sanctorum, tie Aprilis xx.). This biographer was certainly a knave — perhaps the saint's favourite

† See Europe during the Middle Ages, vol. ii. p. 207., for the life of St. Anscar, the apostle of Scandinavia; p. 271., for that of St. Otho of Bamberg, the apostle of Pomerania; and p. 295., for that of St. Norbent, under of the Premonstratensian Order.

‡ See Europe during the Middle Ages, vol. i. p. 211. and 291.

of life there was certainly some advancement, but not of a character which can be well described. Agriculture, for instance, was much improved; and the opening of new mines, especially those of the Hartz, gave a new stimulus, not merely to local, but to general enterprise, since their produce was conveyed to the remotest parts of the empire. But by far the greatest improvement was in commerce; which, from the eleventh, and especially from the twelfth, down to the fifteenth century, steadily advanced, until the cities of the Hanse League rose to the dignity of a sovereign power. On this subject, however, we have sufficiently dwelt before. We therefore turn first to the general state of German ecclesiastical intellect, and next to the notice of a few among such literary works as appear most worthy of a passing attention.*

The most prominent feature of the intellectual character of Germany during the great period before us is credulity, and, as an inevitable consequence, superstition. In support of this fact we have, on more than one occasion, adduced testimony, especially in the tenacity with which the people adhered to some of their ancient pagan customs. Excluding from our present consideration the romantic productions—such as are wholly the offspring of the imagination — and confining our attention to the works written by ecclesiastics alone, we can scarcely open a book which does not confirm the proposition we have stated. Relations the most wonderful are to be found, not merely in ecclesiastical biography, but in sermons—even in grave history. Let us select a few examples from the last species of composition; and confine ourselves to one book, the *Magnum Chronicon Belgicum*, which is a compilation from the accredited historians of the middle ages. Under the year 999, relating to the pontificate of the famous pope Sylvester II. (Gerbert), we have the following delectable anecdote. No scholar will be at a loss to discover the foundation of the legend.

* Founded on no particular authority, but on the aggregate of many.

"There was at Rome, in the Campus Martius, a golden statue, having the index figure of the right hand extended, and this inscription on the head: *Strike here!* Hence, many, in the hope of discovering a treasure, perforated the head of the statue. But Sylvester very differently resolved the enigma. For noticing, when the sun was in the meridian, the shadow cast by the finger, he dug by night and found a vast treasure; viz. a great palace of gold, golden walls, golden lamps suspended, golden knights playing with golden chess; a golden king reclining with a golden queen, with food and servants before them; vessels of great weight and value, in which the workmanship was even more precious than the metal. The inner part of the house was equally resplendent; but in the opposite angle stood a boy with bow extended; and Gerbert, perceiving this, removed nothing. His cubicularius, indeed, secretly stole a golden knife; and instantly there was such confusion in the place, that Gerbert made an exclamation, and the other replacing the knife, all was peace. And when their curiosity was satisfied, they left the subterraneous palace, their steps lighted by a lantern." *

Still more remarkable is the description of an Italian mountain, into the bowels of which many caverns led. Hearing that famous treasures were concealed in its remote recesses, many adventurous men had entered, but none had returned. Their ill fate, however, did not deter a monk of Bari from repeating the experiment. His knowledge of classical history availed him: remembering by what means Theseus had penetrated the labyrinth of Dædalus, he caused several clues to be prepared; the chief of which was fastened to a post at the entrance; and at the distance of every mile, a new post and a new clue. Accompanied by twelve companions, all with lanterns, he proceeded along these horrid dens. Greatly was their passage obstructed by the bats, which flew in their faces; by the narrowness and danger of the path, which generally ran along a precipice, the base washed by a river; nor were they much encouraged by seeing the bones of those who had perished in the adventurous quest. At length they came to a stagnant lake, over which lay a golden bridge; and beyond the bridge were objects as precious as those

* Magnum Chronicon Belgicum, p. 69.

which had met the view of Gerbert. When one of the men attempted to cross the bridge, a golden knight, of huge dimensions, began to beat the water with a mallet; when a cloud of vapour arose, so thick as to render objects invisible; but the intruder no sooner drew back his foot, than all was again tranquil and clear. The experiment was repeated by the rest, and with the same result. They had no other alternative but to return; and though some of them had the courage to revisit the place in the society of a magician, they perished in the enterprise.*

The following is not destitute of poetical imagination. In the eleventh century, we are told, lived at Rome a certain youth, noble and rich, who had lately been married, and who gave frequent entertainments to his friends. One day, after dinner, they went into the field to play. Before the game commenced, the husband placed his spousal ring, which would probably have encumbered him in the game (tennis), on a finger of the statue of Venus, which overlooked the ground. When the game was concluded, what was the surprise of the youth to find that he could not possibly remove the ring from the finger of the brazen goddess; and he was compelled to return home without it. That night, accompanied by a servant, he revisited the statue, and found that the ring was gone. At the usual hour he went to bed; but though his bride was there, he felt that something like a thick cold cloud intervened between him and her, and prevented him from approaching her. At the same time he heard a voice,—"Sleep with *me;* for this day hast thou espoused me! I am Venus!" The terrified youth lay awake; but the same mysterious interposition he re-encountered, by day or night, whenever he wished to approach his wife. "Tandem igitur querelis uxoris commotus," he consulted his friends on what was best to be done; and it was resolved that he should explain his case to a certain priest

* Magnum Chronicon Belgicum, p. 160. We refer to the edition of Pictorius, by Struvius, Rerum Germanicarum Veteres Scriptores, tom. iii. Ratisbon, 1726.

famous in the black art. The priest gave a letter to the youth, saying, "Go at midnight to the open country, and take thy stand where four roads meet. Then look about thee in silence; and soon there will pass human figures of each sex, old as well as young, of every grade and condition; some on horseback, some on foot, some joyful, others sad; but, whatever thou mayest see, be silent. In the rear of all will follow a figure of more colossal size, seated in a chariot: to him deliver this letter, and thy purpose will be gained!" The youth did as he was commanded. Among the shades which passed him, he perceived a female, meretriciously clad, seated on a mule; her hair floating on her shoulders; a golden fillet binding it above; holding a golden wand with which she directed the mule: her dress so thin that it exposed her person; her gestures wanton. Lastly, came the awful chief himself, who sternly demanded the cause of his presence. The youth, as he had been directed, spoke not, but presented the epistle. The well-known seal commanded the respect of the being; who, having read the letter, raised his arm towards heaven, exclaiming, — "Sovereign of all! how long shall I suffer the wickedness of this priest Palumbus?" Instantly were messengers despatched after Venus, whom the reader must have recognised in the lascivious lady, to force the ring from her, — and force was necessary. Having received it, the youth was enabled to satisfy the complaints of his wife. When Palumbus heard of the demon's exclamation, he asserted that his end was near; and he appears soon to have perished under the hands of the public executioner.*

The following is of the true magic school: —

"At the city of Utrecht, between Brabant and Cologne, arrived a certain teacher from Toledo, a great necromancer, and wholly given to the devil. While sitting at table with the clergy, whom he would, he permitted to eat, and whom he would, he sent to sleep: wherefore eight vain clerks sought to be intimate with him, urging him to aid them in the gratification of their wishes. This, he replied, he could not do, unless a

* Magnum Chronicon Belgicum, p. 124.

circle were drawn: wherefore he drew a circle, with strange characters around the edge, and placed the eight clerks within; and in another part of the circle he laid three seats, which he said were for the three magi in the Gospel. Outside the circumference he prepared another seat, which he carefully ornamented with flowers. About midnight he began his operations: he flayed a cat, and cut two pigeons in halves: then he invoked the three demons, whom he called kings; and lastly, the great prince, whom he named Epanamon; saying that he invited them to a little supper, that they might assist the eight clerks in the thing desired. And the flayed cat he placed before the three demons, who devoured it in a moment; but the two pigeons he laid before the great devil, who despatched them with equal speed. Then taking a glass bottle, he desired the great devil to enter it, and in the great devil went; and he instantly sealed the vessel with wax, inscribing on it these two characters — A and Ω, — telling the clerks that they might now say what they wanted. One petitioned that he might have his will of a certain noble married lady, and it was granted; another asked for the favour of the duke of Brabant, with equal success. In the hearing of all, the magister began to hold impious conversation with the demons respecting Christ, and all Christians; and he led them into great perversity, not allowing them to leave the circle before the rising of the sun. And on their egress, he commanded them in future to deny the incarnation; and unless they had done so, they would have been carried bodily away by the devils."

If any faith were to be placed in the chroniclers of the time, the thirteenth century was remarkable for ecclesiastical magicians. In fact, as they had all the learning of the age, and as it required the deepest learning to become a magician, few laymen could hope to reach the enviable distinction.*

But the credulity of the age is more apparent in Cesarius of Heisterbach, who is its true representative, a personification of its intellect and superstition; and who, for this reason, is more deserving of our attention than any other writer we could mention. Of his birth or death we have no data: we only know, from his own incidental observations, that he was educated at Cologne; that he professed as a Cistercian monk in 1199, in the new monastery of St. Peter of Heisterbach, situated op-

* Magnum Chronicon Belgicum, p. 255.

posite to Bonn, and near the eastern bank of the Rhine. Here he composed the greater part of his writings, consisting chiefly of scriptural comments, of sermons, and of discourses on religious subjects. Of these, most remain in manuscript; and we may readily dispense with their loss, in consideration of his "Twelve Books of Dialogues," which he finished in 1222. As this book is a faithful mirror of the manners, opinions, and habits of the times, especially as regards the ecclesiastics; and as it is of exceeding rarity even in Germany, and unknown in England; we propose, for the satisfaction of the curious reader, to make a few extracts from it.*

In his preface, Cesarius calls Heaven to witness the sincerity of his assertion, that he had not invented a single chapter of the book; and that, if any deviated from the truth, the persons from whom he had derived his information were alone to blame.† And in another passage he informs us that he had omitted many wonderful things which he had heard, because his memory did not sufficiently retain them; and because he would rather conceal what was true, than record what might be possibly false.‡ We may add, that, of his portentous relations, nearly all were reported to have happened in his time; and he is generally careful to give his authority for them.

1. *The Devil and the Stupid Scholar.*

"About twenty-four years ago there was a certain abbot, whose conversion was wrought by a strange necessity. I have the relation from Hermann, abbot of St. Mary's, who knew the other abbot very well, from whose lips he had heard the whole. When he was a youth, and studying at Paris, he was remarked by all for his stupidity no less than for his want of

* Trithemius, Abbas Spanheimensis, De Scriptoribus Ecclesiasticis, cent. 13. Vossius, De Historicis Latinis, lib. ii. cap. 57. Hechtius, Germania Sacra et Literaria, pars ii. lib 12. cap. 5. § 5. Cesarius Heisterbachensis, Illustrium Miraculorum et Historiarum Memorabilium, lib. vi. cap. 4.; lib. i. cap. 17.; lib. ii. cap 10; lib. x. cap. 48.

† Testis est mihi Dominus, nec unum quidem capitulum in hoc Dialogo me fiuxisse: quod si aliqua forte aliter sunt gesta quam à me scripta, magis videtur imputandum esse à quibus mihi sunt relata.

‡ Lib. iii. cap. 33.

memory: in fact, he could neither learn nor retain any thing; so he became the laughing-stock of every one, and was fairly set down for an idiot. Hence he began to be much concerned, and to fret his heart about the matter. He fell sick; and while he was in this state, the devil appeared to him and said, 'Wilt thou fall down and worship me, if I give thee a knowledge of all learning?' When the youth heard this question, he grew pale, and said to the tempter, 'Get behind me, Satan; never shalt thou be my master, or I thy liege-man!' And though he would not consent, the devil forcibly stuck a small pebble into his hand, and said, 'So long as thou shall grasp this pebble, thou wilt know all things!' After the enemy had vanished, the student arose, entered the school, proposed questions, and disputed so well as to vanquish every one. 'How is this?' cried the wondering scholars: 'whence this sudden eloquence in an idiot?' He took good care not to tell any one of them the reason. Shortly after he fell sick, called in a priest to hear his confession, and mentioned how he had received the stone and knowledge from the devil. 'Wretch!' replied the priest, 'cast from thee the infernal thing, lest it make thee ignorant of that best knowledge -- the divine.' Away went the stone, which he had continued to grasp, and with it his vain science. However, the youth died, his body was laid in the church, and the scholars gathered round his bier to chant psalms, as Christians ought to do; but at the very same time the devils took his soul into a deep and horrid valley, filled with sulphurous vapours. On each side of this valley was a row of devils, who tossed his soul from one to the other, just like a tennis ball; and on each side they received it on their talons, which were sharper than the finest edged steel ever made; and, as he afterwards said, so great was the torment he endured when he was thrown by the one party, or received on the claws of the other, that not all the tortures on earth could equal it. But Heaven had pity on him, and sent I know not what celestial messenger—one of majestic presence—who said, 'Listen! the Highest commands you to release that soul!' Immediately, all, bending with the most profound respect, obeyed the command, nor did they presume to lay a finger on the soul. It was restored to the body, life was again infused into the members, the man rose up, and scared the attendant scholars away. He descended from the bier, cried out that he was alive, and narrated what he had seen and heard. Ere long he sought the cloister, where he lived so rigidly, and used the discipline so severely, that all who beheld him thought he must suffer tortures equal to any experienced in purgatory, or even in hell."

This legend is followed by a dialogue between

Cesarius and a friend, who asks him whether the student's soul went to purgatory or to hell. The question was a poser; but Cesarius thinks it must have been the worse place, because no angels were there; for magister Rodolph of Cologne, whose lectures he had often attended, had decided that no devils are allowed to touch a soul intended for purgatory, of which angels only had the guidance. "Ill," added the magister, "would it become a blacksmith to purify gold, but rather a cunning worker in that metal." To another apt question, — whether the student had time to examine the form and substance of his own soul; an affirmative answer is given, — that the soul was like a round glass vessel, with eyes before, behind, and around it.*

In his second book, which, like all the rest, turns on some Christian or monastic virtue, it is the object of Cesarius to show that we should never despair, great as may be our crimes, of God's mercy; that contrition may avail us even at the last hour. This he attempts to prove by several anecdotes, which he devoutly believes.

1. An inhabitant of Utrecht, Hildebrand by name, and one of the most wicked of men, was convicted of homicide, and condemned to be broken on the wheel. A priest, named Bertolf, waited on him in prison, and exhorted him to repentance. "There can be no mercy for me!" replied the malefactor: "I am a doomed man! I cannot repent; and, if I could, the act would not avail me!" Seeing that no impression could be made on him, the priest adjured him to appear within thirty days, and relate his doom. The culprit promised to do so if he were permitted. Probably, Bertolf thought no more of the matter; but within the month, as he was one night asleep in his bed, a tempest so suddenly arose, the trees waved, the winds blew, and the house shook so violently, that he awoke. Casting his eyes towards the door, which was burst open, he perceived Hildebrand, seated on a burning iron, rapidly approach

* Cesarius Heisterbachensis, Illustrium Miraculorum et Historiarum Memorabilium, lib. i. cap. 32.

him. Signing himself with the cross, and invoking the aid of Heaven, the priest tremblingly enquired of the other's fate. "I am damned!" was the reply. "I despaired of God's mercy; but had I taken thy advice — had I endeavoured to be penitent — through the fires temporal I should have escaped the fires eternal!" He advised Bertolf, who was a priest *nomine sed non re*, to repent; and the latter became a Cistercian monk.*

2. There was an old usurer and miller in the diocese of Utrecht, Godescalk by name, whose only aim was to amass wealth at the expense of the necessitous. In a fit of devotion, or rather as a commutation for his sins, he had assumed the cross; but, like many others, he sought a dispensation, which could always be purchased, — the money being, probably, much more agreeable to the pope than the services of the crusaders. Godescalk had as little scruple in cheating the church as the poor: pretending great poverty, he escaped with the trifling redemption of five marks, when he could well have afforded twenty times the amount, and that without injury to his wife and children. Of his cunning in this respect he frequently boasted in the public taverns; and not a little provoked the other crusaders by his taunts: — "Cross the sea, ye fools; expose your lives to dangers, probably to death; while, for five marks, I can remain at home with my family: yea, for all this, I shall have the same merit as yourselves!" But if he could deceive man, observes Cesarius, he could not deceive Heaven.

"One night, as he lay in bed with his wife, in his house adjoining his mill, he heard a noise as if it were at work. Calling one of his boys, he said, 'Who has set the wheels in motion? See who is there.' The boy went, but soon returned so terrified that he could not speak. 'Tell me,' demanded the miller, 'who is there?' — 'I was so frightened,' replied the boy, 'on entering the mill, that I was compelled to return.' The other rejoined; 'I will see who is there, if even it be the devil!' and hastily throwing a tunic over his shoulders, he went to the place, opened the door, and looked within on a most horrible vision. There stood two horses,

* Lib. ii. cap. 6.

coal black, and by them an ugly thing, as black as they, which cried out, 'Make haste and mount this horse, which has been brought hither for thy use!' He grew pale, and trembled, and was sorely troubled at the words. And when he showed no readiness to obey, the demon called in a louder tone, 'Why this delay? Cast away thy tunic, and come!' (the garment was the cross, which he had assumed.) Feeling in his heart the weight of the demon's words, the man, unable to resist, threw off his garment, entered the mill, mounted one horse, while the devil mounted the other, and both rode swiftly to the infernal regions. There the wretch recognised his father and mother, and many persons of whose deaths he had never heard. Among others he saw an honourable knight, recently deceased, Hely of Reiningen, burgrave of the castle of Hurst, laid on the back of a furious cow, which continually goaded him with its horns, and made his back an entire wound. 'Sir,' said the usurer, 'how came you to suffer so heavy a punishment?'—'Because,' replied the knight, 'I stole this cow from a poor widow; as I showed no pity on her, so none will be shown to me!' In one place he was taken to a burning seat, the pain of which was awful, and was never to end, and at the same time it was said to him, 'Go home; but in three days thou must die, and return to the seat!' Being brought back by the demon, he was laid in the mill, and left half dead."

The prediction was fulfilled. In three days, notwithstanding the exhortations of a priest, the man died, "sine contritione, sine confessione, sine viatico, et sacrâ unctione."*

The third book, which treats of confession, has little to strike us, if we except the twenty-sixth chapter.—A priest was, one day in Lent, hearing confessions in his church. While one by one they advanced and receded, a stout youth in appearance, who had taken his station among the rest, advanced the last of all, knelt before the clergyman, and confessed so many and such monstrous crimes,—murders, thefts, oaths, blasphemics, perjuries, fornications, &c., which he had either committed himself or encouraged others to commit, that the hair of the holy man stood on end. Rising from his seat, he exclaimed, —"If thou couldst live a thousand years, the

* Cesarius Heisterbachensis, lib. ii. cap. 7.

time would be too little to atone for such enormities!" The other replied, "Already I am above a thousand years old!" — "Who and what art thou?" demanded the confessor. "A demon! one of those who fell with Lucifer," was the reply. "Of my sins I have only confessed a very small portion; and if thou art willing to hear the rest, in number boundless, I am ready to reveal them." — "Why shouldst *thou* confess?" demanded the priest. "As I stood gazing on the throng, I perceived that some approached thee sinners, but left thee justified; diligently have I listened to their statements and to thy replies,—that after acknowledging grievous sins, thou hast promised pardon and bliss eternal. Hoping to obtain the same blessings, I, too, have approached thy chair." The clergyman, soon recovering from his fear, and knowing with whom he had to deal, said, "If thou wilt follow my directions—if thou wilt do penance for thy sins as sincerely as the rest—thou mayest obtain the same pardon." The demon promised that he would readily perform any reasonable penance, — any that should be tolerable. The priest assured him that it should be a very moderate one indeed,—far less than any which had been prescribed to those who had preceded him. It was simply this: "Fall three times on thy face before heaven, and say, Lord God, my Creator. I have sinned against thee; pardon thou me."—"Impossible!" replied the devil; "never can I stoop to such degradation. Enjoin me any thing else, and I will readily obey thee." Of course the priest bade him depart, and he vanished. In the legends of the church, we seldom find so much meaning as in the present; and the moral is as good as the story itself is pointed.*

Book the fourth regards temptation, especially that species which is peculiar to the cloister. The most besetting sins, pride, unbelief, disobedience, envy, gluttony, lust, are each illustrated by numerous examples;

* Cesarius Heisterbachensis, lib. iii. cap. 26.

for the truth of which the monk is always ready to vouch. His blows at the female sex are sometimes very amusing. Heinric de Wida was a rich and noble knight in the service of the duke of Saxony; and he had a noble lady for his wife. One day, while conversing on the transgression of Eve, the lady began, *ut mos est mulieribus*, to reprobate her, as sacrificing for a paltry apple—for the gratification of mere appetite—the happiness of her descendants. "Condemn her not," observed the sage husband, "with so much severity, for in her place thou wouldst have acted just as she did." In the conviction that where there is a prohibition, a woman is sure to violate it, he proposed a very simple trial. Near the house there was a bath, and on the way to it a stagnant and, indeed, fetid pool. The injunction was, that, on whatever day she used the bath, on that day she should not so much as enter the pool with her naked feet; but that on any other day she might enter as often as she pleased. The lady smiled at the trial proposed. Nobody, she thought, would be induced to enter a filthy pond, even for hire; and she was overjoyed at the agreement,—that if she refrained from the forbidden place, she should receive eighty marks, and that if she were disobedient, she should forfeit that sum. What so certain, as that she should receive the money? With great contempt, she at first passed the pond on her way to the bath; but she was soon observed to cast a curious glance at it; afterwards to look wistfully; and subsequently, never did she pass it but her steps lingered, and she did evident violence to herself in leaving it. At last she could no longer bear it; returning from the bath, she said to her maid, "Unless I enter the pond, I shall die!" Looking round, and perceiving nobody within sight, she pulled up her garments, and waded backwards and forwards in the slimy, nauseous pool, with a joy perfectly indescribable. Her husband had a sure spy concealed who daily watched her; and on her return she was forced to confess her disobedience, and to forfeit

the wager. This is a sample of the way in which the inmates of the cloister amused themselves at the expense of the fair sex; and a philanthropist may be glad that they could discover any source of amusement amidst scenes so monotonous.*

If obedience in the world were so difficult, it was, perhaps, more so in the cloister—certainly more so in regard to the temptations peculiarly monastic. These, however, we must omit, and substitute others more characteristic of the credulity which it is our present object to illustrate. Of demons visible and invisible, of freaks wrought by them by day and night, we have a satiety in the pages of Cesarius. We shall select two legends, and with them dismiss both the demons and Cesarius.

"*The Student of Toledo.*

"A story told me by Godescalk of Wulmunstein, a monk of happy memory, should not be dismissed in silence. One day he asked a clerk and magician to relate something wonderful respecting his art. The magician replied, 'I can tell you something wonderful, and no less true, which happened at Toledo, in my own town. Many scholars, from different countries, were in that city for the purpose of studying magic.† Among them, several youths from Bavaria and Swabia, who, hearing what stupendous things could be effected, said to their teacher, 'Magister, we would fain see with our eyes the truth of what thou expoundest to our ears, that our progress may be the more solid and satisfactory.' Having vainly warned these obstinate young men, and perceiving that they were not to be divided from their purpose, at a convenient hour he took them into the open country, and enclosed them within a circle; admonishing them, as they valued their lives, not to leave the circle, to give nothing to the demons, and to receive nothing from them. Soon there appeared knights in comely armour, joining in martial exercises around the youths, now feigning

* Cesarius Heisterbachensis, lib. iv. cap 76.

† Toledo, say the writers of the middle ages, was the great school for magic, and all eminent in the art must of necessity have been educated at it. There was some foundation for the popular report. Astronomy, astrology, and chemistry were almost exclusively taught there; and as, after the conquest of the place by the Castilian kings, numbers from all parts of Europe resorted thither, we cannot be surprised at its reputation in this respect.

to slip, now turning their lances against one another, and trying in every possible way to allure them from the magic ring. Perceiving that all this was unavailing, transforming themselves into most beautiful girls, they danced around, inviting, by various gestures, the students to join them. One of them, who was fairer than the rest, selected one of the scholars: as often as she approached the circle in her dancing, she held out a ring, and by her movements inflamed him. After several attempts, the youth, being at length vanquished, held out his finger towards the ring; when, by that little member, he was dragged away, and taken from their eyes. Having gained their object, the devils vanished: but the students raised a great outcry about the fate of their companion; and to the magister, who now hastened to join them, they complained loudly of his disappearance. The magician replied, 'I am not to blame; you forced me to gratify you; and I warned you enough; and you will see the lost one no more.' But they rejoined, 'Unless thou restore him, we will kill thee!' He, fearing for his life, — for well he knew the Bavarians, — replied, 'I will make the attempt, though with little hope of success.' Invoking the prince of the devils, whom he reminded of his past fidelity, he said that the study of the art would sustain much injury, that himself must perish, unless the youth were restored. Moved to compassion, the devil replied, 'To-morrow I will convene a council on this subject, in such a place, and thou shalt be present; and if by their sentence we can obtain his restoration, I shall be glad.' At the call of the chief, the evil spirits assembled; the magister complained of the violence done to his disciple: but, on the other hand, the devil who had seized the youth, replied, 'My lord, I have committed no violence; I have done him no injury: he was disobedient to the magister; he broke the law of the circle!' In this manner disputing, the chief turned to one of the demons, saying, 'Oliver, thou hast always been our adviser, and for the sake of no one wilt thou neglect justice; decide this dispute!'—'My opinion is,' replied Oliver, 'that the youth should be restored to the magister;' then turning to the adversary, he added, 'Restore him! for certainly thou wast too importunate with him.' The decision was approved by the rest of the council; and that very hour, in compliance with the mandate of the chief, the scholar was brought from hell to his magister; the council was dissolved; and the magister, with his prize, joyfully returned to the other disciples. The student's face was so emaciated, pale, cadaverous, that he looked like a corpse raised from the tomb." *

* Lib. v. cap. 4.

The description given by the student of the horrors he had witnessed, is said to have made some impression on his companions: at least, it led to his own seclusion from the world. Infernal torments, in reality, are a favourite theme with the ecclesiastics of the middle ages. By these they endeavoured to terrify the world from evil; especially from that of encroaching on their own possessions. Many were the visions imagined, and the legends invented, respecting the great of this world, who had lived in notorious disregard of their duties, and who had defied the thunders of the church. Thus king Ceolred in England* was doomed to the fire unquenchable; and, though the fate of Charlemagne was less awful, it was sufficiently severe.† But the most graphic account is of Lodovic IV. landgrave of Thuringia, who certainly appears to have been distinguished in the worst age for his violence. That he ruled his vassals with a rod of iron, is historically true. He once surrounded a field with a boundary of stones, and proclaimed perfect impunity to any malefactor, whatever the crime, who should take refuge within it. Frequent were the conspiracies against him; and his revenge was terrible. "Some he drowned," says the author of the Chronicle of Thuringia; "some he hanged, some he cut to pieces, some he suffocated in a noxious dungeon; and, because he always went armed, he was always called *the iron landgrave.*" Throughout life he was a believer in predestination, to an extent that would have delighted a Godescalk‡, or a Calvin, or a Knox. "If I am predestined to life eternal," he observed, "I shall enjoy it, whatever my works; if to death eternal, the decree must equally be fulfilled, were my actions pure as those of a saint." That such a man should not scruple to "oppress his vassals by intolerable exactions," and "usurp the possessions of the church;" that he should be "prædo et tyrannus max-

* See Europe during the Middle Ages, vol. iii. p. 226.
† See page 112. of the present volume.
‡ See Europe during the Middle Ages, vol. ii. p. 263.

imus," is not surprising. Such was the terror of his name—for, says the chronicler, "he was feared worse than the devil"—that it caused him to be obeyed after his death. Seeing that his last hour was approaching, he summoned to his bedside several proud nobles, his vassals, who had formerly rebelled against him, and whom he had afterwards subjected to the most ignominious treatment. "I am going to die," cried the grim old prince; "and I order you, under the pain of hanging, that, after I have ceased to breathe, you will carry my corpse on your shoulders—and that, too, with all possible respect and reverence—to Reinhartshorn, the place of my interment!" This they tremblingly promised to do; and thus, after his death, they did, "semper timentes," says the chronicler, "quod dominus eorum riveret, et ipsis illudere vellet, ac eos tentare." Never, in short, was any prince so dreaded as this, by churchmen no less than by laymen.*—Cesarius was contemporary with the landgrave; and his testimony of that prince's tyranny being thus confirmed by authentic history, we shall be the less surprised at the popular impression respecting him. Though he died with one sign of grace,—ordering his corpse to be wrapped in the Cistercian habit,—the only good which this produced was a joke from one of the prince's attendants. "Well has my lord done his part," observed the knight: "as a warrior he was unequalled; and now, as obedient to the monastic rule, what brother ever so strictly kept the vow of silence?" But let us hear Cesarius:—

"*Ludovic of Thuringia.*

"No sooner did the spirit leave the landgrave's body, than, as has been most clearly revealed to a certain brother, it was presented to the prince of hell, then sitting on the brink of a pit, fathomless, but covered, and holding a drinking-cup in his hand: 'A hearty welcome, landgrave! show our beloved

* Historia de Landgraviis Thuringiæ, cap. 20, 21. (apud Struvium, Rerum Germanicarum Scriptores, tom. i. p. 1315.).

friend our dining-rooms, our larders, our cellars, and then bring him to me!' The wretch was shown nothing but places of torment—nothing but weeping, wailing, and gnashing of teeth; and when he was brought to the prince, the chief of the evil spirits said, 'Friend, drink from my cup!' Reluctant as he was to obey, he had no other alternative; and as he drank, the flames burst from his eyes and nose. After this, Satan added, 'Now thou shalt see my well, and a famous deep one it is, for it has no bottom!' So, removing the cover, he thrust in the landgrave, and reclosed it." *

Ludovic V., son and successor of the fierce old landgrave, was anxious to know what had become of his father's soul; and in the hope that some of the clerks learned in magic would be able to acquire the information, he was heard to propose a good reward for it: —

"This intelligence reached the ears of a certain poor knight, who had a brother, a clergyman, formerly much addicted to necromancy. To him the knight mentioned the promises of the prince; and the priest replied, 'Dear brother, once, indeed, I was in the habit of invoking Satan by certain incantations, and of asking him whatever I wished; but long have I renounced both him and his arts.' The knight entreated, insisted, exposed his present poverty, extolled the promised advantage, and by his tears at length so moved the priest that the latter invoked the demon. The demon appearing, and enquiring why he was called, the magician said, 'I repent my long estrangement from thee. Tell me, I pray thee, where is the soul of my lord the landgrave.' Replies the demon, 'Come with me, and I will show thee!' Rejoins the priest, 'Gladly would I see him, if this could be without peril of my life!' Says the other, 'I swear to thee by the Highest, and by His tremendous judgment, that, if thou wilt trust thyself to me, I will convey thee thither and back in perfect safety!' So the priest, for the sake of his brother, placed his life in the hands of the demon, mounted the demon's back, and in a very short time was at the gates of hell. Looking within, he beheld scenes of exceeding horror, torments of every description, and above all a devil, grim in aspect, sitting over a covered pit. When the clerk saw this he trembled, and still more when the demon at the pit cried out to the other, 'Who is there? what hast thou on thy neck? bring him forward!' The other

* Cesarius Heisterbachensis, lib. iii. cap. 2.

replied, 'One of our friends, to whom I have sworn by the Great Power not to hurt, but to show him the soul of his landgrave, and convey him back safe and sound, that he may relate thy praise to all men!' Immediately the chief devil removed the covering from the pit, and, putting a large brazen trumpet into his mouth, he sounded it with such force that the man thought the whole world must be shaken by the blast. After what seemed to him a full hour, the pit emitted sulphurous flames, and among the ascending fires up came the prince, and stood in sight of the priest. 'Behold me, that wretched landgrave, once thy lord: would that I had never been born!' The man said, 'I am sent by your son, who is anxious to know your state; if in any thing you can be relieved, tell me!'—'As to my state,' rejoined the other, 'that thou seest: yet know, that if my sons would restore the possessions of certain churches (these he particularised), which I usurped with violence, and left to them with an hereditary title, my soul would be greatly relieved.' The clerk replied, 'But, my lord, they will not believe me!' The other proceeded, 'I will give thee a sign, known only to myself and my sons.' The sign being given, and the landgrave being again dragged into the fathomless pit, the clerk was brought back to earth; yet, though alive, he was so pale and languid that he could scarcely be known. The words of the father he related to the sons; he disclosed the sign; but little did it avail, for they would not restore the possessions. Ludovic the landgrave said to the clerk, 'The signal I recognise; I doubt not that thou hast seen my father; nor do I refuse thee the promised reward.'—'My lord,' replied the other, 'keep your reward. I shall think only of my soul!' So, bidding adieu to the world, he became a monk in a Cistercian convent, despising all temporal sorrow, so that he might escape the pain eternal."

Where such ingenious legends could be invented to discredit the enemies of the church, and invented, too, immediately after the death of such enemies — sometimes even during their lives — the clergy had something like revenge.*

But enough of Cesarius, and of the credulity of the German mind during the period before us.

If, in estimating the intellect of the country, we turn to its Latin literature, we shall find a less ample store than we might have expected. In the first place, we

* Cesarius Heisterbachensis, lib. i. cap. 34.

must reject the historians, whose works are, for the most part, dry chronicles, and whose names would form too barren a nomenclature for the readers of the Cyclopædia. Of the divines, of whom very few have been printed, we know not that one would be tolerated. Of the poets we shall give two or three specimens.

Of these, one of the most celebrated, as well as the most ancient, is Roswitha, a writer of prose as well as poetry, and a nun of Gandersheim, in Saxony, who lived in the reigns of the first and second Otho. Her works, after a silence of many centuries, were discovered and printed in the year 1501, by Conrad Celtis, who speaks of them with the enthusiasm natural to a discoverer: the praise has been re-echoed by a hundred German tongues; and reflected, though faintly, by the voices of the very few scholars who have claimed an acquaintance with the early literature of the empire. About one third of the volume consists of "Comedie Sex," modestly written "in emulationem Therencii." Her object, as she avows in the preface, was to supersede the old Roman, who was read by every body, to the great neglect of sacred things, and often to the pollution of their own minds: —

"Many catholics, — and I confess that I am not wholly free from the censure, — are to be found, who prefer the reading of pagan books to that of holier writings, and that solely on account of the eloquent style. There are others again, who, though they generally read in religious books, and despise those of the Gentiles, yet cannot refrain from Terence; their minds, though delighted by the sweetness of his language, are sullied by his poison. Wherefore I, of Gandersheim, being moved by the great complaints on this subject, have not refused to imitate him."

To substitute, for the lascivious amours and the gross indecencies of the Roman dramatist, the praise of chastity, the triumphs of glorious virgins over the temptations of nature, was undoubtedly the primary aim of this nun; but from the complaisance with which she alludes to her own performance, and from

the approbation which she asserts she had received from many sage ecclesiastics, she would evidently believe that even in style, and genius, and manner, she approached her great original. Of her pretensions we will now enable the reader to judge.*

The six "Comedies" before us, which have no distinction of acts or scenes, and which the editor, in imitation of the author, equally scorns to distinguish by pages or notes of any kind†, entirely concerns the triumph of Christian faith and of Christian morals over paganism and vice. Most of them are founded on ancient legends of the church. The first of the six is chiefly occupied with the conversion and martyrdom of *Gallicanus*, general of the emperor Constantine; and with the cruelties of Julian the Apostate against the Christians. If we except its strange confusion of names and facts, which we are not disposed to notice, it contains nothing striking. The second "Comedy," entitled *Dulcitius*, ought rather to be entitled the Passion of those Virgin Martyrs who suffered in the reign of Dioclesian; it is more insipid than the former. Of the third, *Callimachus*, we give a short analysis. Callimachus, a noble pagan, is deeply in love with Drusiana, the wife of prince Andronicus; and he resolves to declare his passion. But he has little chance of success in his guilty attempt. Drusiana and her husband are Christians; and so far is she from being inflamed by lust, that, after the perverse custom of the time, she refrains, as willingly as he, *ab usu matrimonii*. Notwithstanding the representations of his friends, whom he carefully consults, Callimachus makes love, and is indignantly repulsed. He tells her, however, that, either by force or craft, either by man's aid or the devil's, he will gain his purpose. Terrified at his

* Conradus Celtis, Dedicatio ad Fridericum Saxoniæ Ducem. Fabricius, Origines Saxonicæ, lib ii p. 98. Hechtius, Germania Sacra et Literaria, p. 233, &c. Hroswitha, Præfatio in Comedias Sex.

† There is a subsequent edition (1707), but we have the original one only before us. The first comedy, however, *Gallicanus*, *is* divided into two acts.

menace, she prays that she may die; and Heaven hears her. The afflicted husband runs to "St. John the Apostle," relates his loss, is reproached for his impious grief, and Drusiana is committed to the tomb. But, in her profound knowledge of human nature and of life, the nun of Gandersheim makes the passion of Callimachus to burn as fiercely as before. Hearing that the body of Drusiana is fresh, as that of every saint should be, he resolves—the reader would scarcely believe that a nun would dwell on such a thing, whatever were the legend on which it rested—to snatch from the dead an enjoyment which the living denied him. Accompanied by a creature whom he had gained, he hastens to the sepulchre, gazes with fondness on the corpse, and exclaims, —

"*Cal.* O Drusiana! Drusiana! affectu cordis te colui, quâ sinceritate dilectionis te viscera tenus amplexatus fui, et tu semper abjecisti, meis votis contradixi! Nunc in meâ potestate est potestate quantislibet injuriis te velim lacessere!"

But his impious design is frustrated by a serpent, which destroys both him and his accomplice. The very next line, without one word of preparation, brings St. John and the widowed Andronicus to the sepulchre. Before reaching it, however, they encounter our Saviour, who gives no very intelligible reason for his appearance. They find the corpse raised from the tomb, and lying on the ground; and the bodies of the two men, already extinct, in the folds of the serpent. They know not what to make of the scene; but that their doubts may be solved, St. John, at the request of Andronicus —just as if it were the most common affair in the world—agrees to raise Callimachus from the dead. He first orders the serpent to depart, and is instantly obeyed. After a short prayer over the corpse, he sees Callimachus revive. The culprit, when urged, confesses the object of his visit, relates his death, and declares his repentance; in fact, he becomes in a moment, not merely a convert, but a perfect Christian. Seeing with what

ease the corpse had been restored to a living body, Andronicus now begs that his wife may be restored too. In an instant she is praising Christ for her resurrection. Drusiana now resolves that the third victim — the slave Fortunatus, who had so wickedly been the accomplice of Callimachus — shall rise also. After a few words from her mouth, up he springs as hale as ever; but he suddenly insists on dying again, — for what reason, nobody on earth can discover. Our nun calls it envy of the miraculous gifts vouchsafed to Callimachus and Drusiana; but whatever be the cause, in a moment he dies, and St. John despatches him to hell, evidently to "the apostle's" great delight. After a few stupid remarks on envy, pride, and hatred, concludes this third comedy "in emulationem Therencii." *

"Comedia" the fourth, which is entitled *Abraham*, contains the fall of Maria, a niece of that holy hermit; and her subsequent reformation by his singular endeavours. The chief personages of this drama are three, — the two we have already mentioned, and Ephrem, a brother hermit. It opens with a conversation between the two anchorets, in which Abraham expresses his apprehension, lest his niece, who is very beautiful, and residing with him, should resolve on having an earthly rather than the celestial bridegroom for whom he had destined her. Considering, however, that she has not yet attained her eighth year, such apprehensions appear somewhat premature. Both agree that they will daily instil into her soul "the love of chastity." Accordingly they commence the task, and the fruit of their exhortations soon appears in the infant's mind. She promises to think only of a celestial spouse; to be in every thing guided by such pious wisdom. The scarcity of personages in this notable drama (and in all the six they are very few), may, perhaps, have disposed the reader to think that our nun of Ganders-

* Roswithæ, Illustris Virginis Monialis, Comedia Tertia; see Callimachus.

heim must be a great admirer of Aristotle, and of the famous unities. To dispel the mistake, however, we have only to observe, that, in the very next sentence, there is a noble disregard of one—that of time; for Maria is at once advanced from eight to twenty years of age. Nor, alas! is this the only change; for in the same sentence a young monk had arrived at the hermitage, and had seduced "the spouse of Christ:" in fear, perhaps, of the consequences, she had fled, and was now in a brothel. All this is related immediately after her good resolutions in her eighth year, and without any division of act or scene, or interlocutory observation to prepare us for what follows. After a tedious, because inappropriate, dialogue between the two greybeards, Abraham expresses his resolution to pursue and reclaim her: not in his religious habit; no, no! but in the guise of a lover! As if the young woman could not discover a weather-beaten face to which she had been accustomed from her childhood. The nun, however, who will have all her own way, is determined that he shall *not* be recognised; but she scorns to explain this, or to say why the disguise should be assumed at all. With the same noble disregard of time, and place, and circumstances, the very next sentence in this continuous dialogue changes the scene and one of the speakers;— our hermit is now in a neighbouring town, and we have, instead of the hermit Ephrem, another friend of Abraham, who had been charged to discover the abode of Maria, and who gives an account of his mission. He learns that Maria is quite the rage in the town; that her lovers are numerous.

"*Abrah.* Bring me a good palfrey, and a military habit, that, having discarded my religious habiliments, I may approach her under the form of a lover.

"*Amicus.* Here they are!

"*Abrah.* And I beseech thee also bring me a bonnet to cover my bald head.

"*Amicus.* Great care must be thine to escape being known.

"*Abrah.* Suppose I take the only solidum I have with me, as a gift to the master of the house.*

"*Amicus.* Do so, or thou wilt never gain a sight of Maria.

"*Abrah.* Hail mine host!

"*Host.* Who calls? God save you, sir!†

"*Abrah.* Hast thou one night's entertainment for a traveller?

"*Host.* Yes. Never is this hostel closed to any one.

"*Abrah.* Very good.

"*Host.* Enter, and supper shall be prepared.

"*Abrah.* Thanks for thy welcome! but I have a greater boon to ask from thee.

"*Host.* Let me hear it.

"*Abrah.* First receive this humble gift. The boon is, that the beautiful girl now with thee may be present at our entertainment.

"*Host.* Why dost *thou* wish to see her?

"*Abrah.* I should be delighted with the acquaintance of one whom every body praises.

"*Host.* Whoever has praised her beauty, has not deceived thee; she far exceeds all other women.

"*Abrah.* I am in love with her!

"*Host.* Much do I admire how an old decrepit man like you can thus love a young girl!

"*Abrah.* Certainly, my sole object in coming here is to see her.

"*Host.* Maria! Come out, and show thy beauty to our neophyte.‡

"*Maria.* Here am I!

"*Abrah.* Now, courage! now, strong mind, bear me up! She whom I have nourished in the hermitage, clad as a harlot and with a harlot's looks in the stews. But this is not the time to let the countenance show what the heart feels. I must restrain the gushing tears, and cover the bitterness of my heart with smiles!

"*Host.* Maria! well, here is a triumph! not only youth, but tottering age, is forced to love thee!

* The keeper of the brothel is also the keeper of an hostel; but as the good nun did not know there was any difference between the two, she never dreamed of preparing the reader's mind for the fact.

† A beautiful translation! Who can say that the nun of Gandersheim is no admirer of Aristotle?

‡ An attempt at wit.

" *Maria.* Quicunque me diligent, æqualem amoris vicem a me recipiunt.*

" *Abrah.* Accede, Maria! et da mihi oscula!

" *Maria.* Non solum dulcia oscula libabo, sed etiam crebris senile collum amplexibus mulcebo!

" *Abrah.* Hoc volo."

At this moment, and amidst these endearments, Maria has a slight touch of compunction; perhaps the features of this greybeard lover recall those of her uncle. The table, however, is removed, the host retires, and the well-paired couple must now retire to another apartment.

" *Maria.* Surge, Domine mi! surge! tecum pariter tendam ad cubile.

" *Abrah.* Placet; nullatenus cogi possem ut te non comite exirem.

" *Maria.* Ecce triclinium ad inhabitandum nobis aptum! Ecce lectus haud vilibus stramentis compositus! Sede, ut tibi detraham calciamenta, ne tuipse fatigeris discalciando.

" *Abrah.* But first fasten the door, that nobody may surprise us!

" *Maria.* Fear not! I will prevent interruption.

" *Abrah.* (*uncovering himself.*) O my adopted daughter! Oh! Maria, part of my soul! knowest thou the old man who has nursed thee with a father's love? who betrothed thee to the king of heaven?

" *Maria.* Alas! it is Abraham, my father and teacher."

The conversation which follows is, as may be naturally supposed, remonstrance on the one part, confusion and sorrow on the other. In the old man's words there is much earnestness, and much mildness, but little of what we should consider appropriate to the situation of both. Yet it answers the purpose, for this reason, — the nun will have it so, — Maria willingly returns to the hermitage; and the two greybeards re-

* The language of our demure nun of Gandersheim is somewhat too free for us, protestants and husbands as we are. To omit it, however, would be to destroy the character of the piece: hence we retain the original.

joice over the conversion of a sinner. Thus ends "Comedia" the fourth, "in emulationem Therencii." *

Probably the preceding specimens may have satisfied the reader's curiosity: assuredly they will have enabled him to admire the discernment of the numerous German critics who assert that she has all but equalled Terence. But we must not dismiss her without adverting to her poetry, which comprehends two thirds of her works. These, too, with one exception — the verses in praise of Otho I. — are of a religious character. We have the "History of the Blessed Virgin;" the "History of our Lord's Resurrection;" the "History and Life of St. Gangulf;" the "History of St. Pelagius, Martyr of Corduba (meaning Eulogius †);" the "Conversion of St. Theophilus;" the "History of Proterius and of St. Basil;" the "History of St. Denis and of St. Agnes." A natural taste would lead us to select the verses relating to Otho; but they are so wearisome, that no mental courage is equal to the effort of translating them. As the best verses in the collection are those which relate to Gangulf; justice to the recluse of Gandersheim, and still more to her enthusiastic admirers, requires that *they* should be selected in preference to the rest. Gangulf, or Gongulf, whose festival is on the 2d of May, was a noble of Burgundy, valiant in arms, wise in council, and, above all, pious. Hence he was a favourite with king Pepin. Worldly honours he despised, and most of his paternal riches he distributed to the poor; but though he was fond of religious retirement, he did not think it his duty to abandon his secular duties. At the call of his sovereign and country, he was always ready for the field; and wherever he went, he was followed by victory. Returning triumphant from one of his expeditions, in which he had shown his humanity by granting peace, on the condition of tribute, to the vanquished, he was charmed with

* Hroswitha, Abraham et Maria.
† See History of Spain and Portugal (Cab. Cyc.), vol. iv. p. 302.

the rural beauties of a certain orchard,— beauties which the author attempts to describe : —

" Quis latuit pictum vernanti flore locellum
Tectum multiplicis germinis atque comis
Necnon fonticulus vitreo candore serenus
Profluxit rivo rura rigans stridulo.
Huc ubi præclarus senior deduxit ocellos,
Perlustrans liquidam fonticuli scatebram.
Frigoricæ captus limphæ paulisper amore
Substitit et placitis tardat iter morulis,
Et mittens puerum venisse rogabat ad illum
Florigeri dominum ipsius algo loci,
Qui præcepta ducis complens extemplo jubentis
Quo fuerat jussus egreditur citius
Hunc dux ipse quidem dum respexit venientem,
Aggreditur blandis protinus alloquiis.
Atque rogans humilis tota dulcedine mentis
Formavit lingua talia verba sua.
' Dulcis amice ! meis precibus sis postulo largus,
Ut vendas purum hunc mihi fonticulum,
Qui clarus vitreis et suavè sonantibus undis
Prolambens arva hæc irrigat atque tua.
Et mox argenti tibi pro mercede probati
Largiter infundo pondera non modica.'
Ast ubi tinnitum dando promissio læta
Aures personæ transit in exiguæ,
Lætatur facies, totæ volitant quoque venæ,
Cordis secreto quæ latuere loco
Tunc miser in talem cœpit prorumpere vocem,
Ultra quàm credas spem dubiamque sciens,
' O nostrate decus ! nulli pietate secundus !
Quem colit eous mente, fide, populus !
Quid tibi quid digni potest mea lingula fari ?
Nonne tuis manibus est sita nostra salus ? ' " *

Nothing could equal the astonishment of the rustic, that a powerful man should *pay* him, for what power might at any moment seize without that unnecessary and, as we may infer, unusual preliminary. Evidently, Roswitha feels that she is raising her hero to the very highest pitch of merit, in making him perform a mere act of justice;—a terrible commentary this, on the man-

* Hroswitha, Historia Sancti Gangolphi.

ners of the age! As to the poetry, the learned reader need not be told that the original contains nearly as many violations of the canons for the construction of verse, as there are distichs. But to proceed with the poem. — To this retirement Gangulf always went, whenever the affairs of state allowed him. We omit the miracle wrought by him, — that, when the fountain failed, he made a new one to spring from the ground — one, too, endowed with the virtue of healing all diseases; and the description of the thousands who, from every side, flocked to the place. To perpetuate alike his virtues, his honours, and his inheritance, St. Gangulf is at length urged by the nobles of the realm to marry; and he complies. A lady of royal birth, and of surpassing beauty, is taken to his bed. But, in the choice of wives, very pious men are seldom fortunate; and Gangulf was no exception to the rule: —

" Ei mihi! sed coluber cupidus, versutus, amarus,
Ingenium nuptæ scilicet indocile
Scilicet infelix Gangulphi clericus audax
Ardebat propriam plus licito dominam.
Proh dolor! hæc male victa dolo serpentis amaro
Infelix citius æstuat in facinus,
Inherens servo, cordisque calore secreti
Legalem dominum respuit ob famulum.
Crimina tunc pestis cœpit nudare feralis
Quæ caluit proprio structa fuisse dolo.
Impatiens moræ, vacuas jactabat in auras,
Divulgendo suam denique lætitiam.
Tum fuerat vulgo res diffamata dolenda
Francorum gentis omnibus indigenis
Pulsu linguarum tenues conflatur ad aures
Sancti Gangolphi, consulis almifici,
Ut capiat latebras pascens illapsa per artas
Verbula non minimæ nuntia mœstitiæ.
Ingemuit tam triste nefas dignissimus heros,
Angoris magno tangitur et jaculo."

Such is the unpoetical tenor of Roswitha's verse. Assuredly no reader would thank us to translate it. We may observe, in plain prose, that Gangulf banished the

clerk, but forgave his perfidious consort; that she never forgave her humiliation; that she longed to repeat her infidelities; that she hired assassins to deprive her lord of life; and that, after the deed was perpetrated, the most shining miracles proved his sanctity. The widow is incredulous; she listens with contempt to the narration: the way in which she expresses both that incredulity and this contempt, and her consequent punishment by Heaven, have the merit of novelty at least to recommend them, especially when coming from the demure nun of Gandersheim. But this merit would scarcely atone for their coarseness.

So much for the "Illustris Monialis" of Gandersheim, on whose compositions, "in emulationem Therencii," we have dwelt longer than we should, had she been less extravagantly praised by her German critics. The truth is, that, in the whole compass of Latin literature, there is nothing more destitute, not merely of genius, not merely of taste, but of reason, of probability, of common sense; there is nothing more jejune, more barbarous.

A far greater poet than this nun was Metellus, a monk of Tergensen, in Upper Bavaria, — a house near to the ancient Tigurinum, and embosomed in the Alps. He lived, apparently, not in the eleventh, as Canisius would believe, but in the twelfth century. Of his life, nothing is known; but his works, which are careful imitations — in regard to the metre, the manner, and sometimes the expression — of Horace and Virgil, are curious, as exhibiting an incontestable proof that, even in the most secluded districts, and at the worst period of barbarism, a taste for the liberal studies was cultivated with success. His poems are entitled *Quirinalia*, in honour of the festival of St. Quirinus, king and martyr. Who this Quirinus was, or whether such a man ever existed, has been disputed. According to Metellus, who follows the traditions of his monastery, in which the body of the saint was believed to rest, he is the son of Philip (A. D. 238—241), the

first Christian emperor of Rome. After the assassination of his father and brother, Quirinus, we are told, was left for many years unmolested; until Claudius, jealous of his claims, and incensed with the Christians, removed him to a fortress on the banks of the Tiber; and there, at midnight, beheaded him. His relics are said to have been seen and honoured at Tigurinum, in the time of king Pepin. As, however, there is nothing better than tradition for the birth, acts, and martyrdom of this saint, as authentic history nowhere mentions him, we must receive with great caution the relations concerning him.*

The peace given to the church by means of the emperor Philip, and the glory of Rome during his reign, may be adduced as a fair specimen of the author's manner: —

"Solvitur acris hiems tersa nive persecutionis,
Trahunt abundas præsules catervas.
Ac jam nec gladiis lictor micat, ustulator igni,
Nec martyrum flos marcet his pruinis.
Sacra chorea Deum laudat piæ gratulata pace
Refertque carmen læta Trinitati,
Quæ fons est vitæ, triplex ubi vena gratiarum,
Duplo repensat simpla donæ nostra.
Principis invicti pietate gaudet omnis orbis,
Quieverant hinc mortis officinæ.
Criminibus demptis ergastula neminem tenebant,
Bonis studebant qui malis carebant.

* * * *

O regum fortunatissime, ter quaterque fauste,
Polum tenes jam septies beate,
Jus cæleste recepisti, tibi debet urbs honorem
In omne tempus laude sempiterna.

* * * *

Tu regni fines super æthera victor extulisti,
Reique tantum publicæ dedisti,
Quod prius in terris reptans, super astra verticem fert,
Prius per arva lata, nunc in altum crescit."†

* Canisius, Lectiones Antiquæ, tom. ii. p. 114. Basnagii de Metello Observatio, p. 115.

† Metelli Quirinalia (apud Canisium, Lectiones Antiquæ, tom. iii. p. 122.).

We see no reason why we should translate the preceding, or any of the following specimens of Metellus. To the learned reader, such a translation is unnecessary; and the unlearned one would take little interest in the most faithful version; since the images, the spirit, the manner, and mode of thinking, are foreign to those of the present age; and can be appreciated only by the scholar. We exhibit them as illustrations of the Latin literature of the period; and if the ordinary reader can derive no gratification from them, he will not envy that which it may afford to others.

In one ode, Metellus, while describing the transfer of the imperial sceptre from Rome to Greece, and from Greece to the Germans, does not forget to laud the prosperous victors; but he insists that he has no intention of flattering; that he has no ambition for honours, no thirst for wealth: —

" Non eburna sella me,
Nec annulus remuneravit aureus,
Ut poeta prodeam
Heros Deo probabiles canendo.
Quo viris potentibus
Meo stilo placere sim professus,
Aut eis fruentibus
Beatitudinis perennitate
Quippiam superfluo
Minore laude nitar addidisse,
Hospes introiveram
Amabilis sacram domum Quirini
Regiamque gratiæ,
Salus frequens ubi datur petenti
Conditoribus loci
Latus laris sepulchra continebat
Sciscitans docebar hic.
Patrum beata gesta non tacenda
Nemo derogaverit.
Nec ædc Pariæ nisi columnæ
Fronte gemmea nitent,
Nec arcus unione colligatur
Nec trabes cypresseæ,
Bonos mea casa fert odores
At fides valentior,
Amorque veritatis approbandæ,

Strenuis favit viris,
Et optimè Deo ferentibus se
Læta laude succinit,
Pios et inclitos ovans recenset,
In quibus probabilem
Libens imaginem videt salutis." *

Of the miracles wrought through the intercession or relics of St. Quirinus, we have a respectable number; and many are sufficiently astounding. As a specimen, we may give the two following examples: —

1. *De milite Captivo per merita Martyris erepto.*

Jacebat urbe captus
Miles gravis cathenis
In carcerem retrusus
Bogisque strictus arctis.

Erat triumphalis nox
Quæ martyrem peregit
Cælo beans *Quirinum*,
Captivus hoc sciebat,

Et anxius petebat
Dari sibi levamen,
Obdormit inde tractans
Videt virum decorum,

Qui taliter compellat:
Si deferes cathenas
Istas meo sepulchro,
Te vinculis resolvam.

Votum libens agebat
Adhuc sopore pressus,
Et mox pedi soluta
Cathena pendet uno.

Quies remota cessit,
Timorque cogitantem
Subit, foris custodes
Qua permearet arte.

* Metellus, Quirinalia, p. 135. (apud Canisium, Lectiones Antiquæ, tom. iii.).

Victus sopore rursus
Videt virum priorem,
Qui præcipit fidendum,
In ante perge condonens

Mollis quies abibat,
Surgens manu bogam fert,
Qua pes tenetur unus;
Fores adit patentes:

Stans in his videbat
Per plurimos custodes
In arma præparatos,
Nec audet egredi jam,

Ubi morans, videt se
Repente trans custodes
Situm, Deo juvante,
Marique transferente,

Portas petebat urbis;
Illæ licet scratæ
Receperant fugacem:
Ad usque fossas ibat,

Quæ muniere castrum;
Ubi morantur illum
Ablata ligna pontis,
Properat fugam vetandam

Per arbores trajectas,
Transit tamen fossata;
Cui primitus cathenis,
Pes alter est solutus.

Liber ferenda dorso
Rejecit ille vincla,
Currens gradu citato,
Ut dama rete vitans.

Custodibus soporem
Vincentibus, reprensus
Abisse, quærebatur,
Canum fugax odore.

Videbat insequentes
Invisus illis ipse;
Canes ei propinqui
Refugerant tenendum.

Ad flumen hæc sequela
Pervenit amputanda,
Sequens enim decursum
Fraudat canes odore.

Sic odientibus se
Ereptus expetebat
Sedem piam *Quirini*,
Graves gerens cathenas.

In se peracta narrat
Divina dona mira,
Laudemque Martyri dans
Bogas refert ad aram." *

2. *De Navigantibus in die S. Quirini à tempestate liberatis.*

Quondam marinis obruta fluctibus,
Quærebat urbem glorificam Crucis
Præclara gentis copia Noricæ,
Devotione longius exulans;

Sanctum sepulchrum, quo jacuit Deus,
Mortem resurgens victor ubi fugat,
Clarente Paschæ tempore proximo,
Voto salubri cernere destinans.

Neptunus acri se rabie movet,
Quem Rex tumescens Æolus excitat;
Horum thecis dum prælia fugerat,
Nunc alta cœli, nunc petit infera.

Cœlis relapsa texit aquis ratem,
Aut elevando nubibus inditam
Demisit infra regna Plutonia.
Commissa ligno spes hominum tremit.

Instabat almi passio martyris,
Anni recursu festus erat dies,
Cœlo *Quirinum* clarior inferens,
Quod navigantum pars bona noverat;

Quorum sacerdos unus amans Deum
Surrexit, atque pluribus instruens
Verbis salutis corda paventia,
Postremo dicta sic sua clauserat:

* Metellus, Quirinalia, p. 153. (apud Canisium, Lectiones Antiquæ tom. iii.).

Sciatis, inquit, esse diem sacram
Magni patroni Bojarici soli;
Hunc invocantes experiemini
Præsente vobis propitium via.

Nec dum loquenda presbyter edidit,
Nomen *Quirini* plebs rapit anxia,
Conclamat illum mox prece flebili,
Solamen ut sit rebus in extimis.

Non demorata sæva maris lues
Nomen refugit nobile Martyris;
Optata servit spontè serenitas;
Blandis feruntur carbasa flatibus.

Provexit omne prosperitas iter,
Tam permeantes quam reduces ovant,
Condigna plaudit gloria Martyrem,
Cujus reduxit gratia supplices.*

These verses, however rude and faulty may be their construction, certainly exhibit something of poetry. Metellus was, doubtless, inspired by the Muse; and it is gratifying to see how diligently he laboured — however unsuccessfully laboured — to catch the inspiration of Horace. Nor had Virgil less of his admiration. In imitation of that poet, he composed ten eclogues, the subjects of which are generally the oxen devoted to the shrine of St. Quirinus, and the jealousy with which the saint punished the nonfulfilment of such vows. Sometimes the votive beast died of the pestilence; sometimes it alone was preserved of all the herd; sometimes, as if sensible of its destination, it repaired *suâ sponte* to the pastures of the monastery. One specimen must suffice.

Ecloga IV.

Bucula dum charæ formæ promittitur aræ
Sic incrementis anni fuit aucta sequentis,
Nil jumentorum foret ut sibi par aliorum;

* Metellus, Quirinalia, p. 158.

Sponsor crescentem videt ac specie renitentem,
Primaque votorum permutat verba suorum.
Dum specie clara danda mens nutat avara,
Bucula sic retinetur, ut hac soboles generetur:
Jam nova progenies maculis insignis, et albo
Ac niveo miscens orbes nigros quasi carbo,
Aut rutilo fulgens pecori decus addidit ingens:
Jam redit et largo data pignore matris imago.
Incipe taure tener mugitu noscere matrem,
Incipe, votivamque Deo comitabere matrem.
Spectabant lætum pagi collegia fœtum,
Præconabantur, quòd in annum læta sequantur,
Proventu rerum, niteantque serena dierum,
Nempe senes et anus, si frivola non referamus,
Et quibus hæc curæ super eventu genituræ,
Auguriabantur quæ mox ventura putantur;
Hi dum convenere frequentes, hæc retulere,
Tractantes anni prognostica rustica magni:
Clades præteritas sequitur felicior ætas;
Lege sub æterna redeunt Saturnia regna,
Ordoque seclorum venit ævi sorte bonorum;
Exspes quas luges, venient, regio, tibi fruges;
Brumas multa domi refovebit copia pomi,
Promptior ubertas quam mittit et aptior æstas,
Profluet egregio simul omnis terra Lyæo,
Liber et alma Ceres sic lætas prospicient res,
Ut nec honesta Venus generis neget utile fœnus;
Tota sui fit festa comis et florida Vesta,
Ac sterilis nusquam feret undique quod creat usquam;
Cui Lucina solo favet, id vegetabit Apollo:
Tum referent magni menses ea quæ prius anni,
Sublimes fructus decuplo dabit annus onustus,
Si quid fraudavit labes prior aut vitiavit,
Hi qui succedunt proventus sporte replebunt,
Nec simplum reddent quod reddunt, sed superaddent:
Semina quæque cadent in terram, centupla surgent,
Quin sine cultura fruges, vinum sine cura
Per sylvas et prata feret tellus inarata:
Frumenti spicas dat campus ut ante myricas,
Spinaque florescens fit vitea stirps adolescens,
Unam portabit quæ dulcia musta creabit,
Pax erit annorum quoque gloria summa piorum,
Non leo non ursus, non quævis belluæ prorsus
Egressus hominis vel pastus obsidet agnis:
Nosse tamen laudis, priscæ vestigia fraudis,
Nullus ut in saltum mittat pecus incomitatum:

Examen vulgare solens hæc commemorare,
Servari cautè mandat præsagia tantæ
Ubertatis, utrumque pecus, matrem vitulumque:
Sic indevotum sponsorem frangere votum
Persuadent, leviter quod et egerat ante libenter;
Nec memorabantur per quem bona contribuantur,
Obliti sua jura Deo tandem reditura
Semper ab ingratis, si nolint hinc dare gratis,
Ac fieri damno jam læto sæpius anno,
Quod domino clarum fraudant munus decimarum,
Sanctis votorum retinentes dona suorum.
Nam post tempora multa parens soboli coadultæ
Gessit corpus enorme nitentis bucula formæ,
Dum mens polliciti pecoris memor excidit isti,
Martyr promissæ sibi dona rei tulit ipse;
Bucula prole sequente fugax agitata repente
Proruit armentis ignoto calle relictis;
Quam consectatur sponsor suus ut capiatur;
Sed non attingebat eam, donec veniebat
Ad templi valvas, iterum hoc sine præduce calcans.
Votum mente revolvit, et id demum quoque solvit
Vir satis admonitus, nolens sua vota secutus.
Laudarunt dignum cœlesti laude *Quirinum*,
Cantica multarum cum plebibus ecclesiarum,
Quarum vota suam celebrabant publica tumbam
Ex diversorum resonam turmis populorum.

CHAP. III.

STATE OF THE CHURCH FROM 1271 TO 1437.

SITUATION OF THE GERMANIC CHURCH. — ITS MANIFOLD CORRUPTIONS. — COMPLAINTS AGAINST THE ECCLESIASTICAL JURISDICTION. — UNIVERSAL CALL FOR A REFORMATION. — IT FIRST APPEARS IN BOHEMIA. — JOHN HUSS. — JEROME OF PRAGUE. — CIVIL AND RELIGIOUS WARS IN BOHEMIA FOLLOWING THE ABOMINABLE EXECUTION OF THESE TWO MEN. — TRIUMPH OF INTOLERANCE AND OF CORRUPTION.

THE situation of the church during the period before us, was even worse than that of preceding times. 1. In the first place, the bishops were constantly engaged in private war; for in them, as in the other princes of the empire, the right of diffidation was justified by immemorial custom, and by the manners of the times. In these conflicts they would seldom gain, because, with all their martial disposition, they could not have the experience of the secular nobles; but they might easily lose. And there was another disadvantage: an ecclesiastical prince, if victor, was expected to restore his conquests; but a secular generally held fast what he had gained, until open force compelled him to relax his grasp. The maintenance of a constant military force, or rather, of a number of vassals who held church lands by the tenure of military service; and the display of a numerous and pompous household,—both considered inseparable from the dignity of a German prelate,—often reduced his ample revenues so much, that he was unable to exercise the duties of hospitality; still less to relieve the poor. Hence he lost the only hold which an ecclesiastic can have on the attachment

of the people: hence too, to repair his dilapidated fortunes, he was always ready to sacrifice both his personal dignity and the interests of religion, either to pope or prince. Of religion, indeed, the high-born bishops of Germany had little sentiment. They had looked to a see, as naturally as in more ancient times their ancestors had looked to a fief, as something due to their birth. So long as the sovereign had power to confer it, *he* was beset by their relatives; when the privilege of election was restored, the canons were courted: in neither case, however, was the dignity obtained without money, or without the promise of some equivalent advantage,—another source of ruin, or at least of embarrassment. And when a prelate took possession of a see, he generally found that, through the acts of his predecessors, it was seriously encumbered. During the vacancy, too, the secular nobles, whose hatred to the church was always remarkable, were not remiss in encroaching, as far as possible, if not on the territorial domains, certainly on the produce. Hence the new dignitary often found that the live cattle of his vassals were driven away; that their barns and granaries were emptied; that they were reduced to the utmost distress. But where, it may be asked, were the armed knights, the numerous men at arms, whose duty it was to defend the possessions of a church? In general, they were the very first to profit by the occasion. For all these reasons, we shall not be surprised at the frequent, we may say perpetual, complaints of the prelates, in regard to the nobles, and to their own poverty. "When I took possession of my see," says one, "I found a complete labyrinth of debts. On every side was I assailed by creditors, who scarcely left me time to reflect on what I was to do; and whose greediness it required all my management to satisfy. Add that the nobles of my neighbourhood emulously strive to deprive me of my episcopal rights: not only do they oppose, they endeavour to destroy, my juris-

diction." On the other hand, the secular nobles complained, that, if there happened to be an affray in any quarter, an ecclesiastic was sure to be concerned in it. The truth is, that both were equally bad; but as the laymen were the most numerous, the most powerful, and the least subject to authority, they were by far the more mischievous. Of martial prelates, we read in every chronicler of the times. Theodoric archbishop of Cologne is praised, even by Æneas Sylvius, for his courage as a soldier, for his talents as a general: the life of Baldwin archbishop of Treves was chiefly passed in arms, in the exercise of private war; and another prelate was so martial, that he boasted of being able to defend himself against five Bavarians, if fair play were shown him. In fact, courage and military skill were the chief qualifications which a chapter required in a candidate for the episcopal office. Numerous are the instances on record, in which the choice has been solely directed by this consideration. "We will have the count de Meurs," cried the chapter of Cologne, "for our bishop, because he can defend us against the enemies of the church." Of learning and piety, nobody ever dreamed; and had they been found to exist in a candidate, assuredly they would have led to his rejection. We know that, in many cases, such qualities *had* this effect; and that the reason was unblushingly proclaimed. As the canons lived in notorious disregard both of their religious duties, and of the decencies of their station, they were loth to have an importunate monitor over them. They were thoroughly and hopelessly corrupt; at once ignorant and profligate. "The churches of our day," says an ecclesiastic to Clement V., "are in such a state, that, when a vacancy occurs, nothing is so difficult as to find a candidate with the proper qualifications for the episcopal office. And even if such an one were pointed out — if a lily should be discovered among thorns — the bad and useless ecclesiastics are in such number, that they would certainly

exclude him. And because *similes similibus gaudent*, they would be sure to choose one after their own hearts —one to ruin the church, and the people subject to him." But, in this choice, the electors were sometimes swayed by considerations opposite to those we have been explaining. If there were many instances in which they selected a prince or powerful noble, there were many, also, in which their suffrages fell on one who had no influence whatever. It was, indeed, necessary that he should be of noble birth; but he must be poor and friendless—one neither feared nor respected. "Of this fact," says Æneas Sylvius, "we have seen an instance at Ratisbon: the chapter refused to demand count Robert, in the fear of having a bishop whom it would be compelled to obey." At Ratisbon, the canons had a statute, which forbade their superior, whether dean or bishop, to reprimand any one member without the sanction of a majority among the rest! Would such a sanction ever be obtained? "They shut their eyes," proceeds the same writer, "to their mutual faults, and every fault remains unpunished." At Cologne and Strasburg, however, princes were generally chosen for bishops; not with a view of enforcing discipline, but because, the members of those chapters belonging to the greatest families in Germany, there was no obscure man to be chosen. We may add, that as neither prelate had any influence over the chapter; and that, as far as discipline was concerned, it was a matter of indifference what man were chosen; there was no inducement to elect a candidate of no respect or influence.*

In the concordats sanctioned from time to time by the popes and the emperors, — the conditions being generally dictated prior to the election of a king of the

* Cenni, Antiquitates, lib. iii. cap. 1. Windeck, Chronicon, cap. 60. Æneas Sylvius, Historia, p. 432.; necnon De Moribus Germanorum, p. 1045. Raynaldus, Annales Ecclesiastici, A. D. 1311. Schmidt, Histoire des Allemands, tom. vi. book 7. chap. 44.

Romans, — the pope, by degrees, arrogated to himself the collation of benefices. At first the liberty to nominate to vacant canonries was sparingly exercised, and granted to him rather as a favour than a right. The next step was to issue *literæ expectativæ*, in virtue of which the ecclesiastic who obtained them was entitled to the first vacancy that might occur in any cathedral. Lastly, these letters were so multiplied as to become an abominable abuse: they were at one time so numerous, that, as they were chiefly conferred on Italian ecclesiastics, they threatened to exclude the natives from all cathedral dignities. That exclusion, indeed, would have been a positive good, for no churchmen were ever so detestable as those of Germany; but it wounded the national vanity no less than individual interest, and called forth the most indignant remonstrances. By Godefrid of Wurtzburg they were embodied in a letter to Clement V. "Multitudes of people," says that prelate, with much truth, but with more exaggeration, "of worthless lives, repair from all parts of Christendom to the court of Rome, and receive benefices with or without the cure of souls; sometimes on the plea of poverty, sometimes on some other plea. It is their aim, above all, to be placed in districts where their previous conduct is unknown; and the prelates, like sons obedient to the orders of Rome, may receive them without scruple, and induct them to the benefices appointed for them. But no sooner are they located, than their conduct is so shameful, so infamous, that they hasten the ruin of the church, provoke the scandal of the people, and call down the curse of Heaven. Owing to this evil, the prelates of our days can no longer confer benefices on merit; nor can persons of merit expect them, from the multitude of collations by the popes."—"I know one cathedral," proceeds the prelate, "in which, though there are only thirty prebends, there have, within the last twenty years, been thirty-five vacancies; yet the bishop who has been there the whole of that period, subject to cares, and sorrows, and anxieties, has been unable to give

away more than two of the number."—"In general, the ecclesiastics sent to serve our churches, are men without capacity, or ignorant of the vernacular language: and even if they happen to be in these respects unexceptionable, they do not reside among us; they go to the court of Rome, or to some other court, and expend the revenues of their benefices without the slightest service in return. Many, indeed, there are who have not so much as seen the churches from which their incomes are derived."—"Sometimes," the same writer continues, "one man enjoys so many benefices and dignities, that their revenues would suffice for the maintenance of fifty or sixty ecclesiastics. These abuses constrain the ruin of the church, the diminution of divine service, the destruction of science; for who will apply to knowledge, when he has no prospect of gaining a livelihood by it? And what shall I say of the youths who, without any merit at all, are laden with benefices? Many are the churches falling into dilapidation through the residence of the incumbents at the Roman court. And when one of them dies, the pope never fails to nominate another; so that these benefices are always in the gift of that court." But, in spite of remonstrances, the abuse proceeded, until the pope, in virtue of specific concordats, had the nomination to all benefices which fell vacant during six months in the year. Unfortunately, too, they were generally conferred on official dignitaries, resident at the pontifical court; especially on the cardinals. Perhaps there was not a member of the sacred college, who had not actual benefices or reservations on some see beyond the confines of Italy; and these were so shamefully accumulated on the same person, as to prove that favouritism was nearly as bad in a pope as in a king. Of these *literæ expectativæ*, Æneas Sylvius had several on three provinces of Germany. Some popes were honest enough to condemn them; all were less guilty than their own officers. This cardinal endeavoured to palliate the evil; nor can we deny that there is much truth in his apology:—"That

the court of Rome is not wholly pure, is certain, for it consists of men; and many are the things which require reformation. As the popes themselves, on becoming the vicars of Christ, are still men; so they may be deceived by others, they may deceive themselves, and be led into error. The good father is seated on his throne; he is surrounded by cardinals, bishops, and others; and while this recommends one candidate, that recommends another, both lavishing the highest praises on their respective friends. He believes them; and thus it is that money sometimes prevails over virtue — not that *he* derives any advantage from the appointment, but the negotiators do." But if this representation contains much, it does not contain the whole truth. The popes were often the direct and only instruments of the evil. Such appointments they justified, on the plea, that they had no other way of rewarding the most able and faithful servants of the church; and it is equally true, that they often had a great, probably the greater, share in the profits of the sale. That benefices were not gratuitously conferred, is one of the most notorious facts in history. Simony at the papal court was systematic; and called forth the most energetic remonstrances from every part of Europe, — from Spain as from Germany, from France as from England. How indignantly in Spain the abuse was withstood, almost in the very language addressed by the German ecclesiastics to the pope, has been seen in the history of that kingdom *; how zealously in England by the bishop of Lincoln and others, has been equally related.† It cannot, indeed, be denied that, whatever the national writers of the empire may say to the contrary, the ecclesiastics appointed by the pope were generally far superior, as regards both merit and conduct, to those nominated by the bishop, or elected by the chapters; but the abuse was no less galling, no less discreditable to the church and its supreme head. It and a hundred

* See History of Spain and Portugal (CAB. CYC.), vol. iv. p. 269.
† Europe during the Middle Ages, vol. iv.—Grosseteste.

others remained, until the council of Trent vigorously laid the axe to the roots of the evil, and introduced into the discipline of the church a purity unknown during a thousand years.*

The evils which continued to deform the Germanic church were a necessary consequence of its impaired discipline, of the diminished authority of the metropolitans, who were virtually ciphers; of the disuse of national, of provincial and diocesan, councils. Even in dioceses where they continued to be held, they degenerated into formal assemblies, attended only by the parties which had an interest in some pending suit. The archdeacons, however, continued to hold *their* synods; but their proceedings were narrowly watched, often indignantly denounced. They were accused of exacting, under the title of *jura synodalia*, the most oppressive contributions; of raising fines and forfeitures to an intolerable height; of deciding few causes according to justice, but through a regard to pecuniary interest. In the exaction of tithes, of church dues, and in the imposition of rates necessary for the sustentation of the ecclesiastical buildings and tribunals, they appear to have possessed considerable power; nor are we much surprised at the complaints against them, when we remember the venality of the age, and the selfishness of human nature, — as selfish, at least, in Germany as in any other country. The nobles who, by charter, or ancient usage, or open violence, had exempted themselves from contributing to the support of the state, endeavoured to procure an equal exemption from the demands of the church. While the clergy were striving to extend, the people to circumscribe, and even to destroy, the pretensions of the church, what could be expected but disputes equally bitter and interminable? Nor did the

* Raynaldus, Annales Ecclesiastici, A. D. 1311. Æneas Sylvius, Opera, p. 1035. 1045, &c. Gravamina Germanicæ Nationis, p. 334, &c. (apud Brown, Fasciculus Rerum, tom. i.). Schmidt, Histoire des Allemands, tom. vi. p. 102, &c.

last regard the limits of their archidiaconal jurisdiction. What were the cases that legitimately lay within its competence? Nobody could answer this question: no superior authority had decided how far that competency extended; nor, if such decision had been made, would it have been regarded. One bishop, indeed, (and his example was probably followed by others,) attempted to class under general heads the offences of which his archdeacons might take cognisance; and among them we find adultery, fornication, bigamy, incest, usury, sacrilege, perjury, sorcery, wills, administration, refusal of church dues, injuries done to ecclesiastics, either in their persons, or substance, or rights; and even any transaction purely temporal where *an oath* intervened. If we add, that, whatever the nature of the cause, if an ecclesiastic were one of the parties, that cause was of necessity convoked before an ecclesiastical tribunal, we may easily conceive the jealousy of the secular judges. Nor was it merely an affair of honour; it was in a greater degree one of interest: for, as the fines which were decreed on these cases went to the authorities which decided, we need not be surprised at the eagerness with which both temporal and spiritual judges endeavoured to draw causes into their own courts. But the complaints of the people — always meaning by the people the rural nobles and the privileged inhabitants of cities — concerned the *manner* in which the ecclesiastical tribunals acted, rather than the extent of their jurisdiction. There were, no doubt, abuses enough. A bribe often disposed the archdeacon or his officials to wink at iniquity in the rich and great; or, if a charge were pressed, to dismiss it for want of evidence, or from some technical informality; or, if punishment were unavoidable, through the notoriety of the offence and the clearness of the conviction, to mitigate it until it ceased to be a punishment. But often the corruption of these officers went to greater lengths. If public rumour, or private report, charged a rich man with an offence, they privately waited on him, and agreed, for a certain sum of money, to with-

hold any citation that might be demanded; and, while guilt thus escaped, innocence was punished. Frequently the officials secretly sent for a man against whom no charge had been or ever could be made; whom even suspicion had not assailed; and extracted money from him, under the pretext that such a charge had been made that they were unwilling to compromise his character by giving publicity to it. As he knew that witnesses could be found to depose any thing, he was generally inclined to purchase his escape. Some of the bishops, indeed, endeavoured to check this monstrous abuse; but with little effect. In reality, no serious penalty was denounced against those who practised it. What, for instance, are we to think of one which amounted to no more than the restitution of double the bribe received from an offender? When we consider the difficulty of conviction, and the number of cases which would not so much as reach the ears of the bishop, we may conclude, that the officials might be corrupt with impunity. What made the evil greater was the fact, that the archdeacon himself did not often preside in these tribunals: he was much too considerable a personage to submit to such drudgery; but, as the higher the dignity the greater the means required for supporting it, he was attentive enough to the pecuniary advantages resulting from the system. This evil was so crying, that in a few bishoprics these archidiaconal tribunals were suppressed by the head of the diocese; or another tribunal was formed, consisting of episcopal officers, and exercising either a concurrent jurisdiction with the other, or an appellant jurisdiction over it. But in many dioceses there could be no redress; for the bishop, at his election, was generally compelled to sign a compact, one condition of which was, that he should not attempt to disturb the canons and prebends in their rights, privileges, or resources, but rather augment them,—in other words, that, so far from removing, he should aggravate the abuses by which they profited. These conventions were

often forced even on the archdeacons; so that, if these dignitaries should hereafter have the wish, they would want the power, to effect the reformation of the church. But neither had the disposition to do so in cases where their own interests or dignity were concerned. That the bishop could be as censurable as the archdeacon, was soon proved in the dioceses where the archidiaconal tribunals were suppressed, or subjected to his own. His consistorial court, which superseded these tribunals, was no less the object of public reprobation than they had been. The same complaints, for instance, were brought against the eagerness with which they encroached on the jurisdiction of the secular courts. This, indeed, existed in other countries as well as in Germany. The decretals of Isidore, the additions of Burchard, the elaborate system of Gratian, so much extended and improved by Innocent III., rendered, throughout Christendom, the canon law a dangerous rival to the civil jurisprudence. But, after all, if it was an abuse, it was not an injury to justice; if it distracted the minds of the clergy from their proper duties, and subjected them to others for which they had no vocation,—for assuredly Christ did not send forth his apostles to be temporal judges,—it was in other respects a benefit to the community. The proceedings of the ecclesiastical tribunals, when compared with those of the secular, were equity itself, nor need we be surprised at the eagerness with which the people sought to bring all their disputes before the former. In a preceding chapter of this work, we have seen that, owing to the corruption of the secular courts, the plaintiff had the privilege, even in cases where the interests of religion or of the church could not possibly be concerned, to cite the defendant before the episcopal tribunal; and, again, if the secular judge refused, or neglected, or delayed to render justice, an appeal to the ecclesiastical authority was authorised. Virtually this was to supersede the operation of the secular tribunals; and we are prepared for the opposition which the claim

encountered from them. In the sequel, however,—and this is one of the very few points on which certainty can be obtained,—both the secular and the ecclesiastical powers agreed to a compromise,—both relaxed something of their pretensions. But, after all, the evil was great enough; it was aggravated by the readiness with which the church hurled its curses at the heads of all who opposed them. These curses, indeed, were become too common to be dreaded; but they did not the less exasperate.*

From these and other sources of discontent; from the notorious profligacy no less than ignorance of the clergy; from their worldly vices, their non-residence, their all-grasping spirit, we cannot be surprised that the laity should long have wished to circumscribe the influence, and to destroy the corruptions, of the church. After the thirteenth century this wish was widely and deeply diffused. Nor was it confined to the laity: many ecclesiastics, even cardinals, loudly proclaimed the necessity of a reform, both in the head and in the body of the church. Still less was it restricted to Germany. As early as the twelfth century, St. Bernard sighed for so desirable an event; in the thirteenth, Grossetête of Lincoln † applied all his energies to the same purpose; in the following, Wycliffe‡ entered on the same laudable career; and, though the efforts of the latter were in some respects mischievous, there can be but one opinion as to the purity of his motives, and as to the good he designed to produce. In Spain, the cry of the deputies in cortes § was equally energetic; in France, it was echoed from the Scheldt to the Pyrenees. The towns of Flanders, the provincial states of France, nay, even the parliament of Paris, took up the note; and by

* Founded on the general histories of Germany; on the instruments in the collections of Muller, Hartzheim, and Hortleder; and on the Gravamina Nationis Germanicæ, in Brown's Fasciculus.

† See Europe during the Middle Ages, vol. iv.

‡ Ibid.

§ See History of Spain and Portugal (Cab. Cyc.), vol. iv. p. 269, &c.

none was it more heartily proclaimed than by the cities of Italy. In fact, the feeling that an extensive reform only could save the church, was universal. The schisms in the popedom during the fourteenth century destroyed much of the lingering reverence which men still bore to the chair of St. Peter. The subject of reform was rendered illustrious by the genius of Dante and Petrarch, no less than consecrated by the piety of saints. Spain, France, Germany, England, and Italy joined in one vast chorus for ecclesiastical reform. It was one of the chief objects of the council of Pisa (1409); but that council, after ending the schism, was dissolved. Indignant Europe now called on the emperor Sigismund to hasten the convocation of another. The arts with which John XXII. endeavoured to elude the universal voice are well known: at this time no pope was friendly to the removal of abuses so profitable to him. But his opposition was vain; and never had Christendom such high expectations as when the council of Constance assembled: but, before we notice its proceedings, let us advert to what was taking place in another part of the empire.*

1370 to 1410. Though the general demand for a reformation regarded rather the discipline than the doctrines of the church, there were many individuals who insisted on both. The writings of Wycliffe, being carried by a Bohemian into his native country, created a great impression on the minds of several teachers in the university of Prague: of these the most celebrated was John Huss, a man on whom very different judgments have been passed by rival disputants. In this, as in most other cases where passion and prejudice supply the place of information and of calm reflection, the truth is to be found in neither.—Born of humble parents, about the year 1370, John was indebted for his education to the liberality of a Bohemian nobleman. At the university of Prague, which, in 1347, had been founded by the

* Raynaldus, Annales Ecclesiastici (sub annis).

emperor Charles, he distinguished himself by his assiduity and talents; and he successively attained its honours. Ordained priest in 1400, and the following year elected dean of the faculty of philosophy, his enquiring mind led him to investigate with diligence the propositions of Wycliffe. He soon embraced the opinions of that famous man; nor was he content with confining them to his own bosom: both in his philosophical theses and his discourses from the pulpit he proclaimed them with a vehemence which would have done no discredit to the English reformer. Nor had he less the advantage in purity of morals, which not his bitterest enemies have ventured to assail. His opinions, as may readily be supposed, gave great offence to the heads of the university, and to the archbishop of Prague, who declared them to be pernicious and heretical. But as he was confessor to Sophia, queen of Bohemia, over whose mind his influence was considerable, and as he was favoured by Wenceslas himself, and even by Sigismund, through the hostility which he showed to the preaching of the indulgence, he was enabled during many years to maintain his ground. In 1408, however, the heads of the university decreed that no one below the grade of doctor should so much as open the books of Wycliffe; and that whoever taught such opinions should be expelled from the body. But, instead of being silenced, Huss resolved to silence his enemies. In that university, which consisted of four nations, — Bohemians, Bavarians, Saxons, and Poles, — there was never much harmony: the Bohemians hated the Germans, the Germans the Bohemians, and the hatred on the part of the natives was increased by the fact that they had but one voice out of four; and that, consequently, on all occasions they were sure to be outvoted. In the charter of foundation, indeed, Charles had enacted that the natives should have a preponderance of voices; but, as the German students greatly outnumbered them, and as to attract more was the policy alike of the university

and of the government, each nation was allowed its vote. If the suffrages were to be nominally taken, there was no injustice in this regulation; for the Bohemians certainly did not comprehend a fourth, probably not a tenth, of the whole number of students. But the national jealousy was roused when it was perceived that the university was essentially a German one, and that the professorships, the dignities, and the revenues, were in the hands of Germans. By identifying himself with the party of his countrymen, and declaring himself the irreconcileable opponent of the foreigners, Huss rapidly increased his influence: he knew that Wenceslas bore no good will to the Germans, who had deposed him from the imperial dignity, and he had little difficulty in prevailing on that prince to restore the regulation of his predecessor. But no event could have been more disastrous to the university, to the city, to the whole kingdom: the incensed Germans immediately retired from all three, and with them went the learning of the country. For their accommodation, the elector of Saxony soon built a university at Leipzig; and to Leipzig, instead of Prague, resorted thenceforward the youth of Germany. But Huss was in little pain at this desertion; he was now installed as rector of the university, and in this dignity he zealously inculcated the doctrines of his English predecessor. Sbinco, however, the archbishop of Prague, who had already condemned the propositions of both, now resorted to more vigorous measures: as legate of the holy see, he caused the books of Wycliffe, which had been translated — chiefly by Huss and his associate, Jerome of Prague — into the Bohemian language, to be examined by four doctors of theology, and, after their condemnation, to be publicly burnt. Above 200 volumes, all magnificently adorned, — such was the estimation in which Wycliffe was held, — are said to have been thus committed to the flames; but it is certain that many more escaped. Though, under no less a penalty than excommunication, all who had copies were commanded to bring them to the primate, many eluded,

some openly derided, the obligation; among them was Huss; and though he was suspended from his sacerdotal functions, he scorned to obey: he still continued to preach with even greater vehemence against the pope as antichrist; against transubstantiation (he held the real presence) as a vain conceit; against purgatory, and, consequently, prayers for the dead, as devised only to fill the coffers of the church. To cover the primate with ridicule, he composed songs in the vulgar language, and these were frequently in the mouths of his partisans. Wenceslas here interfered, and ordered a severe penalty against all who should sing them. But Huss had still his revenge. Though the churches were shut against his disciples, he exhorted them to hold conferences of the people in every house, or even in the fields, and there to expose the abominations of the papal system. This expedient was admirably adapted to human nature. Persuaded of their importance in the church of Christ; that they had no less the right to judge of things spiritual than the proudest members of the hierarchy; the people, even the lowest among them, eagerly attended these conferences, and soon learned to dispute with as much zeal as their teachers. Fortunately for them, the Scriptures, or at least the important portions of Scripture, were already in the vulgar tongue; and these furnished them with ready weapons for the war against the priests. In this warfare even the women joined; and the most recondite doctrines of Christianity — the mysteries of grace, predestination, and justification — were discussed with a boldness which had hitherto been unknown to the church. This, it will be acknowledged by sober piety, was an evil. In the system of the Hussites, as of their descendants the Methodists, an illiterate artisan would dogmatise with confidence where the Christian philosopher would be humbly silent: and the mischief was increased by the admixture with religious rashness of the same dangerous doctrines regarding temporal government, and property, whether temporal or ecclesiastical, that had so unfortunately

distinguished Wycliffe.* The danger of both, greatly aggravated, no doubt, by his personal antipathies, was represented to the papal see by the archbishop; and he obtained a bull, by which he was empowered to form a council of four doctors in theology, and two in canon law, to examine the writings or sermons of every man, however high in dignity; to condemn, where condemnation was incurred; and, if necessity were, to invoke the aid of the civil power in the execution of his sentences. But Huss himself appears to have been too influential, both as the head of a numerous party and from his favour at court, to be thus summarily treated; and by John XXIII. he was cited to appear in person at Bologna, to answer the charges against him. Yet one who had taught that the pope had no more authority than any other bishop; that his rule was founded in usurpation, and in practice was an odious tyranny, was in no haste to obey the mandate. Nor was he unsupported: the university, the king and queen, nay, even his personal enemy, Sbinco, whose ill-will he appears to have removed, joined in an application to cardinal Colonna, to whom the affair had been delegated by the pope, that he might be dispensed from personal attendance. Encouraged by their support, he sent three proxies to Bologna to excuse his absence, and to answer for him. As the mandate, however, for his *personal* appearance had been peremptory, the cardinal refused to hear the procurators, and declared him excommunicated through contumacy. They appealed to the pope, who evoked the cause before his own tribunal, but confirmed the sentence, and interdicted all the priests of his party from the celebration of the divine offices.†

1410 to 1414. But the opinions of Huss, or rather those of his predecessor Wycliffe, were too deeply rooted to be shaken

* See Europe during the Middle Ages, vol. iv.

† Æneas Sylvius, Historia Bohemica, cap. 35. Dubravius, Historia, lib. xxiii (apud Freherum, Rerum Bohemicarum Scriptores). Cochlæus, Historia Hussitica, lib. i et ii. Raynaldus, Annales Ecclesiastici, A. D. 1408—1410. Histoire Ecclésiastique pour servir de Continuation à celle de Fleury, tom. xxi. (sub annis). Mosheim, Historia Ecclesiastica, cent. xv.

by a pontifical sentence, especially at a period when the authority from which it emanated was so little reverenced in Germany. Frequent tumults, often attended with bloodshed, disgraced the streets of Prague,—the Hussites asserting the right of their pastors to celebrate the mass; the archbishop, and the clergy who acted with him, contending for the execution of the papal mandate. To these disorders, disgraceful alike to government and religion, Huss was no party: in the hope of their subsiding, at least to show that he disapproved them, he retired to Hussinatz, the place of his birth, the feudal lord of which was his friend. Here he appealed from the decision of the pope to that of the Holy Trinity,—here he disclaimed all human authority in matters of faith. Neither his pen nor his tongue were inactive. By the former he defended the propositions of Wycliffe, and his own previous conduct; with the latter he exhorted the multitudes who flocked to hear him to make the scriptures alone their rule of faith. Nor did he confine his labours to Hussinatz: he travelled from town to town, from village to village, to preach in the open air the doctrines which he believed to be true. In the mean time his absence from Prague had not the effect intended: his partisans, who daily increased, loudly demanded his return; his enemies opposed it; and both, in the fury of passion, forgot the mild principles which they professed to hold in common. For a time the archbishop enabled the latter to maintain the superiority; but his death deprived the papal cause of its best support. His successor was Alberic, a Moravian, who had been the physician of Wenceslas. Though destitute alike of learning and talents, though not even in priest's orders, he had money enough to purchase the dignity from the king. Of all men he was the most avaricious: his household consisted of a few half-starved domestics; and his ample halls were never cheered with the sounds of hospitality. As his only object was money, he cared not for the rival parties: he was, indeed, so regardless of his duties, that the administration

of the Bohemian church was devolved on Conrad, bishop of Olmutz, who was appointed his coadjutor by the pope. Huss now returned to Prague, to resume his empire over the populace; but not his rectorship of the university, — a post which he could no longer hold. By his partisans, however, he was forcibly restored to the chapel from which he had been expelled. The publication of a papal bull against Ladislas of Naples, against whom even a crusade was preached *, afforded him another opportunity of assailing the pretensions of the popes. A true vicar of Christ would never, he affirmed, excite Christians to war with Christians; he denied the papal power of proclaiming any crusade; and contended that obedience to such a bull was treason to religion. To invest his opinions, which in this case were all founded on justice, with the greater publicity, he affixed to the gates of the university and of the churches a challenge to all the doctors who espoused the pretensions of the pope. The disputation took place, and created a considerable sensation. In it he was assisted by one of greater eloquence — probably, too, of greater learning — than himself, — Jerome of Prague, who, after studying at Paris, Oxford, Cologne, and Heidelberg, returned to Prague, took his degrees in theology, and became a faithful adherent of Huss. He had probably had a greater master, — Wycliffe himself, or, at least, one of Wycliffe's immediate disciples. In the use of scholastic weapons he was as dexterous as Huss in that of scriptural texts. The dispute ended in nothing: the victory would naturally be claimed by each party; but it certainly increased the disciples of the new reformers, and rendered Jerome a favourite with the more enquiring students of the university. The vehemence, too, with which both had denounced the sale of indulgences — the most abominable iniquity of those abominable times — was gratifying to every man of reflection, to every patriot, to every friend of humanity.

* See Sismondi, History of the Italian Republics; and Europe during the Middle Ages, vol. iv. p. 137, &c.

The money raised from this odious traffic was to be applied to a purpose no less odious,—the war against the Neapolitan king. The day following this disputation, which had been succeeded by an harangue of Huss in his chapel of Bethlehem (puritanical names were already in vogue), and by Jerome in another quarter of the city, the populace rose against the preachers of the indulgences, who did not escape without ill-treatment. That this riot was contrary to the wishes of both leaders, may be inferred from their known characters, and from the request of the rector that they would endeavour to allay it. There is reason to believe that their interference was prompt and effectual, though the fact is concealed by the rival historians. But, where the elements of combustion were so many and so inflammable, a spark would not long be wanting to fire the train. The following Sunday, one of the preachers of the indulgences had the culpable imprudence to rail at the opinions of Huss. This roused one of his disciples, who stood up in the church, and gave the preacher the lie direct. In another church, on the same day, a Hussite is said to have been the aggressor, —that he stood up, and in the midst of the congregation proclaimed the pope to be antichrist. At the same time a monk, who was preaching in a monastery, was reviled by another Bohemian. It is difficult to believe that either of the men would have wantonly insulted the preacher: there must, we think, have been some adequate provocation, some irritating observations from the pulpit, prior to the interruption of the service. But, though this fact may explain, it does not justify, the conduct of the offenders; nor can we condemn the act of the senate, which consigned them to prison. At the head of 2000 men, Huss hastened to the senate to demand the liberation of the prisoners; but being told that, while accompanied by such a multitude, no reply would be given him, he discharged the greater number, and renewed the demand with a few confidential leaders. He was informed that there was

no intention of visiting the misguided men with severity: but this was mere deception; for that very night all three were beheaded in prison, — an act of cruelty in itself worthy of all execration, and at this period as impolitic as it was cruel. On this occasion, we can make allowance for the natural indignation of Huss, who, in his address to the people, represented them, not only as martyrs, but as saints. It is certain that the reformers had, in one respect, the superstition of the people they condemned; for they preserved with religious veneration the relics of the slain. Thus the fermentation continued; perpetual broils disgraced both parties; and, while the Hussites increased in number, they increased also in boldness of invective. In 1412, a bull still more decided was published in Bohemia; but, like the preceding, it was of no use. The primate, whose only care was money, would have tolerated open infidelity, had he found his interest in it; nor would he show activity in any affair which brought no immediate advantage. At length, perceiving that the reformers were increasing, to the alarming diminution of the orthodox, and, consequently, to that of his revenues, and struck with the probability that, in time, all ecclesiastical dignities might be swept away by the reformers, he resolved to sell his while able to dictate something like reasonable terms; and he found a purchaser in his coadjutor. But Conrad showed little more zeal than his predecessor: in fact, such zeal could not at present have been safely shown against one so popular as Huss. Another citation from the pope (1414), though couched in the most peremptory language, was equally vain. Huss contended that the pope had no more authority than himself; that he was a mere priest; that his power was entirely usurped, and that obedience to him was a sin. In another respect, he showed more reason as well as moderation: he contended that the cup, like the bread, should be allowed to the laity. Every reader in ecclesiastical history knows that in many churches the cup was allowed

during many centuries. Mabillon has proved that, even in the twelfth, instances of its administration may be found. The surprise of the people in discovering that, for no conceivable reason, they should be deprived of what they regarded as a necessary element of the sacrament, was only equalled by their resolution to obtain it. Unfortunately, they were not always so rational. The bitterness with which Huss assailed the possessions of the church, nay, even of laymen — for, like Wycliffe, he taught that all property was forfeited by sin; his absurd notion that there required no peculiar vocation for the sacerdotal office; that any man, or even woman, might preach; that even the sacraments might be administered by any one in a state of grace; that the church consisted only of those predestined to everlasting life; with many others which we shall soon have occasion to mention, could not fail to produce alarm. The same year (1414) John XXIII. wrote an urgent letter to Wenceslas, whom he besought to extirpate a heresy which threatened such consequences to the stability of civil no less than of ecclesiastical institutions; but Wenceslas took no notice of the letter. Amidst these transactions the council of Constance was convoked. Here Huss was cited to appear; nor did he show any hesitation to obey. With the majority of Christian Europe, he looked to a general council with intense interest, as an assembly that would beyond doubt reform the discipline, if not the doctrines, of the church; which would not only end the shameful schism, but produce a salutary effect on the constitution and character of the ecclesiastical body. To secure himself against the malice of his enemies,—and no man had ever more,—he procured a safe-conduct from the emperor Sigismund, and repaired to Constance.*

* Æneas Sylvius, Historia Bohemica; et Dubravius, Historia (ubi suprà). Raynaldus, Annales Ecclesiastici, A. D. 1410—1414. Continuation de Fleury, Histoire Ecclésiastique, tom. xxii. pp. 143. 156. 159. 167. 193. Mosheim, Historia Ecclesiastica, cent. xv. part 2. cap. 2. Cochlæus, Historia Hussitica, p. 12, &c. Theobaldus, De Bello Hussitico, pp. 1—5. Lenfant, Histoire du Concile de Constance, liv. i. § 19., liv. iii. § 8, &c. Schmidt, Histoire des Allemands, tom. v. p. 131, &c.

1414. It was in November of the year 1414 that Huss,
1415. ardent in his hopes and undaunted in his demeanour, arrived at Constance. He found, however, that the pope and the fathers were hostile to him. That they should be deeply offended with the dangerous nature of some among his doctrines, was natural; but their animosity was increased by the representations of several German and Bohemian doctors. Never had any man in private life so many opponents. He had mortally offended some thousands of Germans by being the cause of their expulsion from Prague; his own countrymen he had incensed, not only by the boldness with which he had disseminated his opinions; by his attacks on the property of the church, on the power of the priesthood, on the substance of the sinful, but by the biting sarcasms, by the coarse insults, with which he had assailed his personal antagonists. Hence no art was left untried to indispose the council against him. But nothing can justify the conduct of the cardinals in arresting one whom the emperor had undertaken to protect. Originally, indeed, their object appears to have been no more than this, to prevent him from disseminating his doctrines during his stay at Constance, until he recanted them, and was dismissed; and candour must also add, that for some days his confinement was lenient. But the step was impolitic and unjust; it proved that he had been condemned before he could be heard. When Sigismund, who was yet in Germany, heard of this violation of his imperial passport, he wrote to his envoys, commanding them to insist on the immediate liberation of the prisoner. Yet the demand was evaded: the emperor, it was replied, would be present in December, and then the affair should be arranged to his wish. Bad as is the opinion we entertain of John XXIII., he was no party to the imprisonment of Huss; he durst not, indeed, have proceeded to such an extremity: but the cardinals, regarding themselves as the representatives of the church universal, arrogated an authority which they believed would

be unquestioned. Though Huss began to be treated with somewhat greater rigour, the illness he sustained arose rather from his want of exercise than from any other cause. The pope is said to have sent him his own physicians. In the mean time his trial was voted, and the accusations against him were registered. The chief were, that he had insisted on the necessity of communion under both kinds; that after consecration there remained bread and wine; that any one in a state of grace could administer the sacraments, but that priests had not the power so long as they were in sin; that the church did not consist of pope, cardinals, or clergy, but of the elect; that it should have no temporalities, which, on the contrary, the temporal lords were bound to take from it; that all priests were of equal authority; that the censures of the church were not binding. Commissioners were appointed to receive depositions; while four cardinals, two generals of the monastic orders, and six doctors, were charged to examine his works. A copy of the charges was furnished him, but he was denied an advocate, — a denial certainly consistent with the canons, but no more to be approved than the denial by our own criminal law of an advocate to the accused. On Christmas eve the emperor arrived, and it was expected that the prisoner would be instantly liberated: but the hope was a vain one. Sigismund abandoned the man whom he had engaged to protect, to the good pleasure of the council. This is a stain on his character which no sophistry can cleanse. Whether he had acted right or wrong in granting a safe-conduct to one whose opinions in some respects were so dangerous, was no longer the question: the instrument had been given; and common justice, to say nothing of knightly faith and of imperial honour, demanded that it should be observed. To these considerations, and to the frequent remonstrances of the Bohemian nobles and clergy, he was deaf. Though even some personal enemies of Huss declared against this infraction of the public faith, the only effect was, that he was guarded with

greater care. Nor was there much sense of justice in the choice of his prison. He was confined first in the monastery of the Dominicans, next of the Franciscans; both orders of necessity being his personal enemies, since he had assailed both with peculiar asperity. Had either possessed much delicacy of feeling, they would have refused to admit him; but religious bigotry is insensible to the most obvious dictates of propriety. They were not, however, his guards; he was confided to the custody of the pope's servants; and, in justice to the latter, it must be observed that Huss himself bears testimony to their mildness. But when John XXIII., who clearly saw that the council would depose him, fled from Constance, and was followed by his domestics, Huss was transferred to a fortress belonging to the bishop of Constance, where he was guarded, we are told, more rigorously than before. , The fathers of the council appear to have been somewhat ashamed of their office: they tried every art to procure the recantation of the prisoner; but in vain. He insisted on a public trial, offering to retract, if he should be convicted of error; and his wish was gratified. From his prison he was brought to Constance, and his first audience was granted on the 5th of June (1415). His own writings were shown him; he acknowledged that they were his; and the articles deduced from them were ordered to be read. Two days afterwards he was brought a second time before the council, the emperor and several Bohemian lords being present. Of the charges against him, which we have already noticed, and of a few others of less importance, he qualified some so as to remove their obnoxious spirit, some he evaded, a few he denied. At the conclusion, Sigismund and the archbishop of Cambray exhorted him to submit unconditionally to the church: he replied, that he had come with that very design, if it could be shown that he was wrong. The third sitting of the commissioners appointed to try him took place the following day; and this time thirty-nine propositions extracted from three of his works

were read to him. These, in the main, are an amplification of those already advanced against him, with, however, some important additions. All appear to have been fairly derived from his writings; nor were they so much deductions as positive assertions, — as propositions which he was prepared to support. Most of them, however agreeable they might be to certain classes of dissenters at the present day, have little in common with Christianity. The first eight, which regarded the predestination of the elect, would not have been disapproved by a Calvin or a Knox: they amount to this, that, whether in or out of the visible church, whether in a state of sin or of righteousness, he who is predestined is always a member of the true catholic church, always in a state of grace, always on the way to life everlasting. On the contrary, those, however high their dignity — not excepting popes and cardinals — who committed sin were not members of Christ's church. The truth is, that he was willing to regard all dignitaries as eternally reprobate; as unable to administer the sacraments with efficacy. The following propositions, which were levelled at the origin, the office, and the exercise of the papal dignity, we shall not notice. The nineteenth, like many of the preceding, was purely Wycliffe's: it states that the lords of the earth are under the obligation of compelling priests to observe God's law. The twentieth is equally absurd, that the church has no right to insist on the obedience of its members; that the canons are tyrannical because useless, because vain inventions of man. Restraint of any kind little accorded with that "gospel liberty" which Huss and Wycliffe were anxious to establish. Hence (art. 21.) excommunication, even by the pope, is not binding; it should, on the contrary (23.), be disregarded even by the priest, whom no human authority can banish from the altar: nay (24, 25.), he who presumes to hurl church censures at any offender, is verily antichrist.*

* Authorities: — Æneas Sylvius, Historia Bohemica. Dubravius, Historia. Lenfant, Histoire du Concile de Constance. Raynaldus, Annales

1415. That these propositions, which may probably surprise readers who have been accustomed to reverence celebrated names without much regard to their merits, were generally mischievous, must be conceded by every rational protestant. Repeated and urgent were the efforts made by emperor and noble, by pope and cardinal, by doctor and monk, to procure his recantation. But, whatever were his errors, they were conscientiously entertained; and, in obedience to the voice within him, he would not retract. Some he endeavoured to qualify; one or two he denied; the rest, he insisted, were no errors. Throughout the whole proceedings, the assembled fathers showed a strong disposition to spare him: but when they perceived that he was resolute, they menaced him with the utmost vengeance of the laws, ecclesiastical and civil,—in the hope that fear might prevail where exhortation or remonstrance had failed. In the same view, his books were ordered to be publicly burnt in his presence. But this undaunted man calmly awaited the doom which he saw before him: he could not recant; he could not, therefore, escape. The fathers now resolved to pronounce sentence against him,—still indulging the hope that before its execution he might be induced to submit. The fifteenth session of the council was opened (July 6.) with unusual solemnity. After the accustomed celebration of mass, a duty which was this day performed by the archbishop of Gnesna, the bishop of Lodi mounted the pulpit, and preached from these words of St. Paul,—"*Ut destruatur corpus peccati;*"—"that the body of sin may be destroyed." On the conclusion of the discourse,—remarkable for little beyond a perverse application of the text,—the archbishop of Riga, who, as keeper of the seals of the council, had for some weeks been intrusted with the care of Huss, brought him from his prison to the church. By four bishops,

Ecclesiastici. Continuation de Fleury, Histoire Ecclésiastique. Cochlaeus, Historia Hussitica.

the deputies of four national churches, he was led into the presence of the council. The bishop of Concordia first read a decree, in which sentence of excommunication and of two months' imprisonment was pronounced against any man, whatever his dignity, — were he emperor, king, cardinal, archbishop, or bishop, — who should presume to speak, to move, to testify either applause or disapprobation, during the solemn act about to take place. Then the procurator of the council. slowly arising, demanded that articles preached and taught by John Huss, in the kingdom of Bohemia, should be condemned as heretical, seditious, captious, and offensive to pious ears. Accordingly, fifty-eight propositions, extracted from the writings of Wycliffe, which were identical with those of Huss, were condemned. From them, the fathers passed to some which had been added to the thirty-nine adduced against the Bohemian reformers. The additional ones chiefly regarded the sacraments, especially the nature of the eucharistic sacrifice. Again, too, was he exhorted to retract; and, on his refusal, the bishop of Concordia promulgated two sentences — that every where the books of Huss should be committed to the flames; that he himself should be degraded from the priesthood, by the archbishop of Milan and six bishops, as one with whom the church of Christ had no longer any concern. The ceremony of degradation was imposing. The accused was first arrayed in his sacerdotal habit, a chalice placed in his hands, and he was again exhorted to retract. On his declaring that he would retract nothing, that he was unconscious of any heresy or any crime, the chalice was taken from his hands by the bishops, who cursed him as Judas; his sacerdotal garments were then necessarily taken from him; and, to obliterate as much as possible the appearance of a shaven crown, his hair was cut into the form of a cross; a tall paper cap was then placed on his head, and on it were represented three devils, with the inscription, "HERESIARCH." His degradation being

thus completed, he was consigned to the secular arm.*

1415. Hitherto we do not see that in the proceedings of the council there is much to condemn. Whatever might be the opinion of Huss, no reasonable man will deny that every church has the right to expel a refractory member from its bosom. Nor was there any thing improper in the degradation. A writer of considerable ability, and, generally, of candour, however, says: —

> "That which increases so greatly the absurdity of this solemn farce — sufficiently ridiculous in itself — is the fact, that the church of Rome professes to regard the ordination of its clergy as a sacrament; and, surely, if marriage be considered as indissoluble, because the nuptial ceremony is ranked among the sacraments, he who is once a priest must be always a priest; and, if punished, must be punished as a priest, and not as a layman — the stripping him of his garments being surely of little avail to nullify a solemn sacrament." †

We do not see any thing farcical or ridiculous in this degradation — always excepting the cap and the devils — and the latter part of the sentence is an error which surprises us in so respectable a writer. From the canons of the church it is well known that the sacrament of holy orders is regarded as indestructible; the character which they impress is believed to exist even in hell — to be ineffaceable by death and the grave. Marriage, say the doctors of the church, is a sacrament bounded by time; holy orders subsist to eternity. The act here related refers, not to the revocation of the sacerdotal character, — which was held to be impossible, — but to the deprivation, in Huss, of the ecclesiastical privileges which he had before enjoyed. Of these privileges, the chief was the exemption which he had enjoyed from the operation of the secular tribunals. As an ecclesiastic, as an actual minister of the altar, he could not be put to death; and it was necessary to deprive him of the privilege before any punishment could be inflicted on him.

* The same authorities.

† Stebbing, History of the Christian Church (Cab. Cyc.), vol. ii. p. 337.

There was much solemnity in the proceedings of this celebrated council: we may add, that there was humanity; for its anxiety to procure his recantation was dictated by the purest feeling. But if it were the right and the duty of the church to expel Huss — and we know not how any episcopal church could have retained him in its bosom — surely she might have interfered to prevent the tragedy which was evidently impending. Had she condemned him to live within the walls of some monastery, where his more objectionable doctrines would be unable to do mischief, there had been wisdom as well as humanity in the sentence. But she knew that the death of the victim was at hand, that his transfer to the secular arm was virtually his transfer to the stake. This fact is the more melancholy, when we consider that here was no particular church, no particular synod, no isolated junta of fanatics, whose proceedings might be condemned by the great body of the clergy. Here, in the most august sense of the word, was the church universal; its highest dignitaries, its most learned doctors. Here, unfortunately, was a precedent destined to exercise a fatal influence over all Europe during two centuries. No particular church, no private synod, would longer hesitate to light the torch of intolerance. It may, indeed, be said that there was an example before the eyes of the council, — that some years before the celebrated act *de heretico comburendo* * had been issued by a pope. But the pope was not the church; the council had loudly declared that he was the mere instrument of her will, her obedient servant; and had deposed two from that high dignity. If the council was the conservator of discipline, in a still higher degree it was the conservator of Christian charity. The execution of Huss soon followed his degradation. By the order of Sigismund, the secular power, in the

* See Europe during the Middle Ages,—Wycliffe.

person of the elector palatine, took him before the chief magistrates of Constance, who condemned him to be burnt without delay. On his way to the place of execution, he was made to pass by the bishop's palace, to see the fate of his books, half consumed in the flames. Nothing could shake him: he chanted several psalms with great devotion; and, on his arrival on the fatal spot, asked for a confessor. A priest approached, but told him that he could not be heard unless he retracted his errors: he replied that he had no need of a priest, that he was not in a state of mortal sin, that he had no errors to retract. The elector having ordered the executioner to do his office, Huss was tied to the stake, with his face turned towards the west. He was not allowed to address the people. At this critical moment, the elector, with the marshal of the empire, approached, and renewed the exhortation, that he would retract and save his life. For the hundredth time he refused, and declared his willingness to die for the truth. The faggots were immediately kindled; but before the fire could reach him he was suffocated by the clouds of smoke, which the wind blew into his mouth.*

1416. It was expected that the punishment of Huss would have some effect on his celebrated disciple, Jerome of Prague. With a generosity of which there are few instances in history, Jerome, before the departure of Huss from Prague, engaged to follow his friend, and share the same fate. He had received a letter from Huss, advising him not to come; but he would not forfeit his pledge; and, in April, 1415, he arrived at Constance. After an interview with his friend, he retired to Uberlingen, whence he wrote for a safe-conduct to the emperor. Why, after its notorious violation, he

* Æneas Sylvius, Historia Bohemica, cap. 26.; nenon Poggio Braccolini, Epistola ad Aretinum, p. 143. (apud Freherum, Rerum Bohemicarum Scriptores). Dubravius, Historia Bohemica, lib. xxiii. (apud eundem). Raynaldus, Annales Ecclesiastici, A D 1414. Continuation de Fleury, Histoire Ecclésiastique, tom. xxii. lib. 103. Schmidt, Histoire des Allemands, tom. v. p. 141. Lenfant, Histoire du Concile, lib. iii. p. 12.

should consider such an instrument of any value, nobody has explained: perhaps he believed that it might yet lead to the enlargement of Huss, or, at the worst, that it might avert the last penalty. The imperial reply was, that he might have a safe-conduct *to* the council, but none on his return. After a protestation fixed on the gates of the churches and monasteries of Constance that his opinions were not heretical, he returned towards Bohemia; but he was summoned to appear at Constance, and answer for his faith; and a safe-conduct was sent him, with, however, this clause, *salvâ semper justitiâ;* intimating that, if he were convicted of heresy, he must abjure, or suffer the penalty. Long before he could reach his country, he was arrested and brought in chains, like the vilest malefactor, before that intolerant assembly. In his first audience, he was assailed by several reproaches of heresy: he replied with modesty, that, if they wished his life, he was ready to lay it down. "God," replied the bishop of Salzburg, "delights not in the death of a sinner, but rather that he should repent and live." His second examination was deferred until some days after the murder of Huss, in the hope that it would induce him to retract. It had the effect: his replies were in harmony with the doctrines of the church; and at his third examination in September, he was persuaded to condemn the opinions of Wycliffe and Huss; to submit his private judgment to the decisions of all Christendom. But for all this, and though the commissioners, the cardinals of Cambray, Ursini, Aquileja, and Florence, demanded his enlargement, he was still retained in prison. In disgust, those eminent dignitaries resigned their seats in the commission. What could be the motives of the council for so extraordinary a rigour? Doubtless, his sincerity was distrusted, and it was resolved to prove him before he was dismissed. In fact, it required no great penetration to discover that he had belied his conscience. But who will presume to censure him for this involuntary weakness? Months rolled

on, the victim remaining all the time in a loathsome prison; visited sometimes by deputies from the council, but cheered by no friendly eye. The solitude of this place disposed him to reconsider what he had done; and his conscience fiercely upbraided him for it. He demanded a public audience, and it was granted him: it was hoped that he would solemnly renew his recantations; but the hour of weakness was past: he declared that the act which fear had wrung from him, was the greatest crime he had ever committed: that he revered the opinions of Wycliffe and Huss, as conformable with the revelation of God; that the latter was a martyr and a saint. To the eloquence with which he spoke; to his ready wit, his constancy of mind, and his ample learning, evidence is borne by the celebrated Poggio Bracciolini, who witnessed both this scene and the tragic one of his execution. Poggio declares, that in these respects no philosopher of antiquity could equal this reputed heretic. In one or two instances, however, goaded to the quick by the contumelious observations of some personal enemies, he forgot his coolness. To a monastic vituperator, he replied, *Tace, hypocrita!* Another he never addressed by any other term than *canis* or *asinus*. To conclude, he persisted in his sentiments; was solemnly condemned, and led to the place of execution. "Jucundâ fronte, et alacri vultu ad exitum suum accessit: non ignem expavit, non tormenti genus, non mortis." As an executioner went behind him to fire the faggots, he cried aloud, "Light the pile in front of me! had I feared death, never should I have been here, considering my opportunity of escape!" He sang while nature had strength to make the effort. According to Poggio, he showed the constancy of Socrates; according to Æneas Sylvius, both he and Huss advanced to the stake, as if they were approaching a nuptial feast. Peace be to their memories! If, with some truths, they also taught some dangerous errors, where is the man who can fail to reverence them? Both were great

and good, however in some respects misguided men. Their execution we shall regard as a murder, notwithstanding the formalities of a trial, notwithstanding the fact that the public law of Europe condemned heretics to the flames, notwithstanding the precedent *de heretico comburendo*. The memory both of emperor and council must be held in everlasting execration.*

The execution of these two martyrs, which had taken place in opposition to the repeated prayers and remonstrances of the whole kingdom, created a deep sensation in Bohemia. It was regarded, not as the triumph of orthodoxy, so much as a deliberate insult procured by the Germans to the Bohemian nation. There can, indeed, be no doubt that the natural hostility of the former to the latter (and it was reciprocal), and the resentment felt by many at their expulsion from the university of Prague, had rendered some German doctors eager to secure his condemnation; but the heads of the council were inaccessible to any other feeling than that of a steady, burning bigotry. And it should have been remembered that, wicked as was the conduct of the fathers, it had precedent enough. Independent of the bull to which we have more than once alluded, the common law of Europe, every provincial code of Germany had for ages visited heresy with death. Strictly speaking, therefore, neither Sigismund nor the council sent the two friends to the stake. But both had guilt enough, for both approved a tragedy which either might have averted. The fury of the Bohemian sectarians was first levelled at the churches and monasteries, which they ravaged, often consumed by fire. This Gothic barbarity did little honour to their cause: surely the temples of God, however they might have been profaned by men, had not offended; and the least degree

1416 to 1420.

* The same authorities; above all, the eloquent letter of Poggio to Aretino, inserted by Æneas Sylvius in the Historia Bohemica, apud Freherum, Rerum Bohemicarum Scriptores, p. 143. See also Mosheim, Historia Ecclesiastica, cent. xv. part ii. chap. 2. § 7.

of taste would have spared buildings, the magnificence of which, according to an eye-witness, was scarcely equalled in any other country in Europe. Many joined the insurgents who could scarcely be called reformers, — who merely insisted that, according to the ancient discipline of the church, the cup should be administered with the wafer, and who, in every thing else, adhered to the tenets of the dominant church. The greater portion, however, went much farther, — farther, even, than those two martyred chiefs; but, as union was now of the utmost importance to resist their common enemies, they agreed to make common cause. And though at first their ranks were filled with the vulgar only, soon they were joined by several ecclesiastics, even by monks, and by several of the nobles. Nicolas de Hussinatz, proprietor of the place which had given birth to Huss, and who had always loved his vassal, resolved to avenge his fate, and procure toleration, at least, for the new doctrines. In this view, accompanied by a band of his companions, he boldly hastened to Prague, and demanded of Wenceslas permission to seize, by force, on a few of the churches, for the celebration of the reformed rites. Wenceslas demanded a few hours for consideration; and, in the interim, he threatened to hang Hussinatz if the request were renewed. But he himself, terrified at the numbers and union of the insurgents, fled to a fortress at some distance from the capital. Many of the Hussites assembled on a hill, to which they gave the puritanical name of Tabor. There was endless preaching — and no doubt there was occasion for it — against the simony, the avarice, the debauchery, and other vices of the clergy; then a compact was formed among the dissidents, who, however disagreeing in some points, called themselves the United Brethren, and their name subsists in their lineal descendants, the Moravians of the present day. Here, too, encouraged by the numbers who flocked to him, — as many as 40,000 are said to have been encamped round Tabor, — and by the

enthusiasm which he saw on every side, Hussinatz proposed the dethronement of Wenceslas, and the election of one more favourable to their views; and the project would have been executed, had not Coranda, a reformed priest, diverted him from it.—How, it may be asked, was this multitude maintained? In the first place, those who had any thing threw it into a common stock, and lived on it like the Christians of the apostolic age; but as by far the greater number consisted of the lowest among the people, who had nothing, the common stock would speedily have been exhausted had it not been recruited by plunder. While one portion remained to preach and pray, another sallied out into the neighbouring country to plunder on every side: they molested none, however, but their enemies, especially the monks and priests and nobles; the peasantry they left in peace. Their depredations, their open insurrection, their menaces, threw Wenceslas into consternation; and he despatched messengers to his brother, the emperor Sigismund, for a body of troops. His fears were increased by the conduct of the Hussites, who had remained in Prague: almost daily they had their public processions in the streets, with circumstances of insult to the established faith. But this was the least evil; for not unfrequently they plundered the houses of those who, whether clergy or laity, were hostile to their sect. Wenceslas commanded the magistrates to suppress them; but all authority, other than that of the Hussite leaders, was openly derided. One day, as the procession, with a priest holding the cup at its head, passed the municipal hall, a stone struck one of the reformed priests: in a moment Ziska, a leader, afterwards to become so famous, rushed at the head of a furious band into the hall, and from an upper apartment threw thirteen of the magistrates, who were received on the pikes of the multitude below. On hearing this tragical relation, the rage of Wenceslas was such that he was seized by an apoplexy, which brought him to his end. By this event Sigismund was heir to the Bohemian throne; but his con-

duct at the trial of Huss had greatly indisposed the minds of all the reformers: however, as he was a master in the art of dissimulation, he hoped to triumph by affected moderation over the popular sentiment. He hastened towards Bohemia; but he found that Ziska was before him. At the head of a vast force, this bold leader rendered himself master of Prague, except the citadel, which held for Sigismund. The cruelties which he perpetrated on the monks and the priests are fully described by the Roman catholic historians: no doubt the relation is true; but the same historians unwillingly mention the excesses of their own party. In cruelty, we know not that those who regard themselves as solely orthodox have ever been behind the most ferocious sectarians. When Sigismund appeared, the citizens of Prague received him — the Roman catholics with welcome, the reformers in silence, because with distrust. Ziska, however, refused to acknowledge him, and remained in the country. The conduct of the emperor was not calculated to restore harmony. In every thing he showed a decided bias to the Roman catholics: these alone would he appoint to public offices, and to make room for them he frequently displaced those of the rival faith. In Silesia, which he next visited to insure its obedience, he was still more imprudent; he gratified the bloodthirsty disposition of his supporters by the execution of several Hussites. Most of them, it is true, were also rebels; but this was not the time to punish even rebellion: his interest and his duty alike imposed on him the obligation of conciliating the discontented party, or at least that portion of it — and at this time that portion constituted the majority — which would have been satisfied with very reasonable concessions. No sooner did this intelligence reach Prague, than the reformers, who were by far the most numerous portion, engaged in a public confederation to defend both their religion, and, if necessity were, the city itself, against the enterprises of Sigismund. It was headed by four chiefs, of whom Ziska, who hastened with his Taborites

to the aid of the rest, was the most distinguished alike in reputation and authority. Another, whose influence was also unbounded, was a priest named John, formerly a monk of the Premonstratensian institution, whose rage against monasteries is described as extraordinary even among the Hussites. Sigismund, he affirmed, was the red dragon described in the apocalypse; and the proof he adduced was, that the emperor had established a new order of chivalry, of which the banner was a prostrate dragon. To quell this formidable insurrection, the sovereign assembled a vast German army, which he led against Prague: but though consisting of the chivalry of the empire, headed by the electors; though animated by the exhortations of the three archbishops, he was unable to reduce that city. There was an enthusiasm among the reformers peculiarly characteristic of an infant faith; and those even who wished well to the one established by law, were jealous of the German invaders. In one assault he sustained a signal defeat, 12,000 of his Germans remaining on the field. In this extremity he was glad to sanction the negotiation of a truce; but the reformers would hear of none until he conceded four of their chief demands: — 1. That the service of the church should be celebrated in the vulgar tongue. 2. That the communion should be administered under both kinds. 3. That clergymen should be deprived both of their temporal possessions and of their jurisdiction. 4. That moral crimes should be punished with the same severity as crimes against the state, or violations of the criminal law. These the emperor was compelled to sanction; the citizens acknowledged him; and, after a hasty coronation in the fortress, he left Bohemia, to prosecute the war against the Turks.*

* Æneas Sylvius, Historia Bohemica, cap. 39, 40. 42. Dubravius, Historia, lib. 23. (apud Freherum, Rerum Bohemicarum Scriptores). Diarium Belli Hussitici, sub annis (apud Ludwig, Rel. MSS. tom. vi. pp. 136—170.). Cochlæus, Historia Hussitica, lib. iv. Raynaldus, Annales Ecclesiastici, A. D. 1416—1420. Continuation de Fleury, Histoire Ecclésiastique, liv. 104. Schmidt, Histoire des Allemands, tom. v. Mosheim, Historia Ecclesiastica, cent. xv. part 2. Windeck, Historia Sigismundi Imperatoris (apud Menckenium, Rerum Germanicarum Scriptores, tom. i.).

1420. When we consider the discordant materials of which the army of Ziska was composed, we cannot but feel surprised how he could triumph, not once, but often, over the warlike chivalry of Germany. The reformers were split into many parties: — 1. The Taborites, who were more peculiarly his followers, were not the most numerous, though they were doubtless the most enthusiastic and valiant sect. The very year (1420) in which Ziska obtained his first victories over the armies of Germany, he built a town and fortress named Tabor, strong in its natural position, and by art rendered almost impregnable. Here his fanatical followers, being in safety, made terrific incursions into the neighbouring country; in fact, they subsisted by plunder. They proclaimed that the world belonged to God's elect; and as they alone were of that number, whatever they seized was rightfully their own. They taught, that the kingdom of God was at hand; that it must be preceded by justice; that it was the duty of every man in a state of grace, to smite and spare not, to imbrue his hands in the blood of God's enemies. The monstrous doctrines of these fanatics would, as historians observe, be wholly incredible, were they not contained in their own writings. On that of cruelty they uniformly acted; especially when the ecclesiastics or nobles of the Romish communion fell in their way. 2. But there was another sect, known as *Adamites*, the founder of whom appears to have been a Belgian. Hearing of the distracted state of Bohemia, Picard crossed the Rhine, traversed Germany, and, proclaiming himself a prophet, was soon surrounded by a multitude of proselytes. If any faith can be placed in contemporary writers, he commanded them to go naked; but how this could be done in so cold a country as Bohemia, nobody deigns to inform us. That indiscriminate lust was allowed, is scarcely less improbable: —

"Connubia eis promiscua fuere: nefas tamen injussu Adam mulierem cognoscere. Sed ut quisque libidine incensus in aliquam exarsit, eam manu prehendit, et adiens principem: *In*

hanc, inquit, *spiritus meus concaluit.* Cui princeps: *Ite*, respondit, *crescite et multiplicamini et replete terram!*"

To us this is incredible. That these fanatics called themselves the sons of God, and, as such, free from bondage, while the rest were sons of the devil, and slaves; and that they had so much of freedom as scorned submission to the precepts of morality, is true enough. One day eighty of them left their den, an island in one of the Bohemian rivers, and, entering the neighbouring villages, coolly massacred two hundred of the inhabitants for no other reason than that the victims had the misfortune to be the devil's offspring. Against these wild savages Ziska advanced, and exterminated the whole. 3. Equally fierce with these two sects were the *Horebites*, as they called themselves, to intimate that their law was pure as that promulgated on the celebrated mountain of old. If the most ferocious cruelty were any claim to the appellation, they had it in perfection. Simply to execute their captives, or those whom they surprised, was not to be imagined: the enemies of God deserved the most lingering torments, the more refined the more complete the execution of his justice. Sometimes the victims were tied naked by twos and left to perish in an icy lake; sometimes their members were successively cut off, a considerable interval elapsing between each bloody act; now they were slowly roasted to death; now tortured in a hundred different forms. Sometimes, however, they allowed an ecclesiastic of no repute to escape, but only *desectis virilibus*. 4. But the great bulk of the reformers were unquestionably more moderate: *their* demands were for the most part rational. The concession of the cup to the laity, and the celebration of the service in the vulgar tongue, could give no reasonable cause of offence. A third demand, on which some of them insisted — the seizure of church lands, under the pretext that the ministers of Christ should of necessity be poor — is sufficiently odious, though by no means peculiar either to Bohemia or the earlier half of the fifteenth century.

This, however, was probably an inferior object to the sect at large. From the constancy with which these men insisted on the cup, and which constituted their most distinguishing characteristic, they were, after the death of Ziska, denominated Callixtines. Except when a common danger threatened, they were too moderate and too wise to take part with that able leader; but whenever the imperial armies placed in jeopardy the very moderate privileges they had sworn to defend, they were glad to avail themselves of his military talents, no less than of his ruffians' aid. But the four sects we have mentioned were by no means the whole. The Callixtines, especially, who from their numbers, their tenets, and their moderation, alone deserved to be called Hussites, were subdivided into several: in fact, each leader was ambitious to have followers of his own; and hence these he easily sought by modifying or adding to the opinions of the great reformer.*

1420 to 1431. The suspension of arms consequent on the treaty of Sigismund with the insurgents was but for a moment. The four articles which the Hussites of Prague had exacted from him were by no means pleasing to the Taborites: in their fanaticism, they insisted that several more should be added; and, though the sovereign was absent, that they should be rendered obligatory on the whole body of reformers, and approved by the Roman catholics. The additional articles were levelled at violations of the moral virtues—nay, even of moral qualities. Not only he who was guilty of adultery or fornication, but he who afforded an asylum to the criminal; he who was idle himself, or tolerated idleness in others; he who drank in a public wine-shop; he who was clad in costly garments; he who neglected the service of the church,—were declared enemies of Christ, and were represented as objects of vengeance to every

* Æneas Sylvius, Historia Bohemica, cap. 40, 41. 48. Dubravius, Historia, lib. xxiv. et xxvi. (apud Freherum, Rerum Bohemicarum Scriptores). Cochlæus, Historia Hussitica, lib. v. Continuation de Fleury, liv. 104. Raynaldus, Annales Ecclesiastici, A. D. 1420, &c.

"true believer." Fearful that state of society in which not only deviations from morality, but human frailties, should be pursued by the vindictive rage of reform! Nor is it the least singular feature of this relation, that men who did not hesitate at the plunder of a church or monastery, or the murder of a priest, thus arrogated to themselves the punishment of the most venial offences in others — nay, should pretend to punish such offences in themselves. If this was not hypocrisy, none exists on earth. In the mean time, Ziska, who, immediately after the deposition of Sigismund, had retired from Prague to his holy city of Tabor, pursued his depredations in the most pious spirit. Leaving the description of his cruelties to the Roman catholic historians, we may observe, that he and his followers acted as if—what, indeed, appears to have been their firm persuasion — the belief of certain doctrines superseded the obligation of the moral virtues. Frequent were the bodies of troops which the emperor sent into Bohemia to arrest his depredations: in all cases they were defeated; so that, by degrees, the notion was entertained in Germany that the Hussites were magicians, and, consequently, invincible. Finding how ineffectual his own efforts, or those of his generals, to subdue the people whom he had despised, Sigismund convoked a diet at Ratisbon, whence it would be easy to march on Prague. But the electors, disapproving both of the time and place, assembled at Nuremburg, and forced him to meet them there; yet, after all, they made no serious efforts to crush the insurrection. Add to this, that Sigismund, during the two following years, was occupied in his Hungarian war against the Turks; and we might suppose that the reformers would employ the leisure to the consolidation of their liberties; but it was chiefly passed in wars with each other, or in plotting the entire subversion of his power in Bohemia. Now the crown was offered to the king of Poland, now to the duke of Lithuania; but, as both perceived that its acceptance must embroil them with the empire, they

wisely refused. The latter, indeed, accepted it for a moment; but he soon resigned the precarious dignity. These idle negotiations and foolish contentions ceased whenever a papal legate or a German army approached. Nothing, indeed, can equal the influence which Ziska exercised over his immediate followers the Taborites, and, in time of need, over the whole body of dissidents. Though he was blind, — both eyes had been successively lost in battle, — his military ardour never forsook him: often his very name was sufficient to put a German army to flight. Mortified at his repeated failures, the emperor condescended to negotiate with the rebel; to whom he ceded the absolute government, civil and military, of the kingdom, on condition of his being recognised as the lawful sovereign.* Ziska accepted the proposals: in fact, they gave him more than he could ever have hoped. But he died before the treaty was finished. "A cruel, horrid, detestable, troublesome monster was this," says Æneas Sylvius; "but, if human hand could not reach him, the finger of God laid him low." His followers, however, revered him as a saint no less than a hero: and he must have possessed some good, as he had undeniably great, talents, or he would never have gained so willing an obedience from his sect. In his last illness, he is said to have been asked where he would be buried; and that he replied, "Strip my skin from the flesh, which you may throw to the fowls of the air and the beasts of the field; but let the skin itself be made into parchment, and serve as the cover to the drums: the very sound will make the Philistines flee."† Never was chief so lamented by his army. Many of the Taborites now changed their name into *Orphans;* but another portion, feeling that the cause was dearer than the chief, chose as their leader Procopius Raso, a valiant warrior, and, no doubt, "a child

* This fact is omitted by some German historians, who, jealous of the national honour, suppress many transactions of these wars.

† Whether Ziska's last wishes were carried into execution, no contemporary informs us.

of grace." Both joined whenever the cause required it: nor did they confine themselves to the defensive: the irruptions which they made into Hungary, Austria, Bavaria, and Saxony filled the empire with consternation. It was, in fact, evident that their object was to establish a republic, which, from its centre of Bohemia, should extend throughout Europe. If this to human eyes seemed impossible, all things were easy in the hands of heaven: but, in reality, when they considered that, in eight pitched battles, they had defeated the emperor in person, or his ablest generals, at the head of armies at least twice their superior in numbers, they might think that even human means were adequate to the purpose. In the following years, army after army was defeated; legate after legate compelled to retire with humiliation from the scene. Sometimes the Germans fled in panic terror at the very approach of the Hussites. Sigismund constantly renewed his negotiations, rather, however, to gain time than from any other object. He could not, indeed, sanction the religious doctrines of the dissidents: but he promised not to disturb them until the council of Bâle, convoked for the year 1431, should decide respecting them. To the more rational portion of the body, the Callixtines, this was enough; but the Orphans, and, indeed, most of the Taborites, emboldened by their long-continued success, refused to acknowledge their sovereign. A free people, they observed, should have no king: meaning, that the people should be free to do whatever seemed right in their own eyes. Their greatest reluctance was to abandon the predatory life to which they had been so long accustomed. Their decisive triumph, in 1431, over the cardinal Julian and near 100,000 of the German troops, rendered all hope from negotiation between the emperor and the Taborites hopeless. But, as we have before observed, there was a more numerous party among the dissidents whose demands were reasonable, and who were heartily sick of the war; nor were the more moderate of the Roman catholics averse to concession. Hence the anxiety

with which both looked to the council of Bâle, the influence of which, they hoped, would restore peace to this distracted kingdom.*

1431 to 1437. The council of Constance had separated without effecting the reformation so much desired in the church: the council of Bâle was convoked to remedy the evils of which complaints had been so long and justly made. One of its first acts was to cite the Bohemian dissidents to appear by their deputies, and state their grievances. The call was obeyed — the more willingly, as their victories had rendered them respectable, and as there was no longer any peril in the mission. At its head was Procopius, chief of the Taborites, whose military talents were scarcely inferior to those of his predecessor, and whose constancy of mind was fully equal. The business was opened by cardinal Julian, whose courage in resisting the efforts of Eugenius to dissolve the council, and whose moderation in the present instance, do him great honour. The deputies laid before the commission the four demands which Sigismund had been compelled to sanction. That which concerned the temporalities of the clergy must have been at once galling and insulting to the assembled fathers, yet they received it without much visible anger; and in the other points, they declared that the dissensions between the moderate party of the dissidents and themselves were much less than they had imagined. Probably, too, the efforts of Rokyczana, an influential priest of the party, and one disposed to conciliation, had a salutary effect. The first article, relating to the communion under both kinds, was also the first in the order of discussion. Its explanation occupied the Bohemian deputies three mornings: they were answered by John de Ragusa, procurator of the Dominicans, who

* Cochlaeus, Historia Hussitica, lib v. et vi. Windeck, Vita Sigismundi Imperatoris, apud Menckenium, Rerum Germanicarum Scriptores, tom. i. cap. 84—178, &c.). Æneas Sylvius, Historia Bohemica, cap. 44—48. Dubravius, Historia, lib. xxvi (apud Freherum, Rerum Bohemicarum Scriptores). Raynaldus, Annales Ecclesiastici, A. D. 1420—1431. Pfeffel, Histoire d'Allemagne, tom. i. p. 578—587. Schmidt, Histoire des Allemands, tom. v. chap. 14. Mosheim, Historia Ecclesiastica, cent. xv. part 2.

harangued a whole week on the sufficiency of the wafer alone. In treating this question he showed some subtlety; but his zeal was imprudent, since it led him frequently to stigmatise those as *heretics* who insisted on the cup. The term naturally exasperated; and it was falsely as well as wantonly applied; for if in this respect the Bohemians were heretics, so were all the saints and doctors of the ancient church. This polemic was answered by Rokyczana, in six mornings; and his colleagues spoke at length on the other articles, though unanimity on any one appeared hopeless. Each party seems to have indulged the vain hope of vanquishing the other by argument. In such disputes, the victory is seldom awarded to either learning or logic: the angry passions intervene, and wounded vanity is deaf to the voice of truth. Irritation, the inevitable effect of such disputation, began to be the most visible feeling on both sides, when it was proposed that a certain number of deputies should decide on the article in a friendly manner, without reference to its theological merits. As this decision was to be given in Bohemia itself, nothing was gained by the deputies. In fact, the council, though evidently inclined, did not venture to change the discipline of the universal church on a subject so important. The deputies wished to return; but with them was an embassy from the council to the nation at large. In compliance with the wishes of the latter, a multitude of clergy, nobles, and laymen of inferior note, were assembled at Prague, on the festival of the Holy Trinity, 1433. But the four articles were pressed on the attention of the legates with as much attention as before, and, until they were sanctioned, the dissidents refused to hear of peace. The legates, unwilling to take upon themselves the responsibility of replying, requested that the demand might be committed to writing; and they despatched the document to the council. Ultimately it was agreed that for a season the cup should be conceded, *under certain restrictions* to communicants; that moral offences should be punished agreeably to the ancient canonical penance;

but the other two articles were clogged with so many restrictions that they were rejected by many of the dissidents. But something was gained: division was spread in the enemy's camp; since many returned to the Roman catholic communion. But even this concession was not sincere. It was the object of the legates, as it was that of their employers, to draw out the negotiations to the last moment, to take advantage of circumstances, and to distribute bribes among such as had most influence over the dissidents. This Machiavelian policy succeeded for a time: several dissentions took place; and though the Taborites flew to arms, a catholic league was formed, which was joined by many of the more moderate Hussites, to whom the cup had been granted. But the chief strength of this combination lay in the nobles, who had reason enough to complain of the dissidents. From all sides the serfs had resorted to the standard, first of Ziska, next of Procopius, and by the Taborites they had been received with open arms, as brethren and freemen. The abstraction of so many hands from the labours of the field was no less an evil than the wanton depredations of the insurgent. Hence the war was soon a war of other principles besides those of religion. It was, in fact, somewhat similar to that which half a century before had raged in England between the nobles and the villeins.* When the nobles, from a sense of the common danger, merged their religion in their social and individual interests, success rapidly declared for them. Prague was recovered; and in a general action Procopius fell, with a multitude of his fanatics. Availing himself of this favourable feature of affairs, Sigismund renewed his negotiations. If the Hussites were still numerous, they were dispirited through the recent disaster; nor were the more respectable averse to a peace on more easy terms than formerly. Fortunately for its restoration, the deputies of the council at Bâle conceded, with the full

* See Europe during the Middle Ages, vol. iv. sketch of Wycliffe.

sanction of that august assembly, the unrestricted use of the cup. In regard to the three other articles, the result was less satisfactory. Sigismund, indeed, with his usual duplicity, consented to observe them, and many more; but the deputies of the council would not. That the Hussite preachers should be tolerated, even at court; that no more convents should be founded, none even of those now in ruins, restored; that the university of Prague, which, during the recent disturbances, had been closed both by command of the pope and the king, should be re-established in all its former privileges; that he would confirm the rights of all, augment the revenues of the hospitals, and proclaim an entire amnesty for all offences, were a few of the conditions which he was compelled to sanction with the rest. After these remarkable concessions, which he had not the slightest intention of observing, he was received by the kingdom in September. His public entry into Prague was magnificent; and, by the urbanity of his manners, he laboured to regain his popularity. But what they were so well qualified to gain he lost by his perfidy. Scarcely was he restored when he rebuilt the monasteries, deprived several Hussite priests of their churches, and banished them entirely from his court. That another insurrection was preparing, is undoubted; but his death, a few months after this pacification, suspended the design.*

* Authorities: — Windeck, Historia Sigismundi Imperatoris; Cochlaeus, Historia Hussitica; Æneas Sylvius, Historia Bohemica; Dubravius, Historia, Labbæus, Concilium Basilense, Raynaldus, Annales Ecclesiastici; Mosheim, Historia Ecclesiastica; Continuation de Fleury; Schmidt and Pfeffel, Histoire; — nearly in the places last cited.

BOOK III.

MODERN HISTORY, POLITICAL, CIVIL, AND RELIGIOUS, OF THE GERMANIC EMPIRE.

1437—1792.

CHAPTER I.

HOUSE OF AUSTRIA TO THE REIGN OF CHARLES V.

1437—1519.

REIGN OF ALBERT II. — OF FREDERIC III. — UNFORTUNATE PUBLIC POLICY OF THIS PRINCE, YET THE GRANDEUR OF HIS HOUSE IS PROGRESSIVE. — THE SWABIAN LEAGUE. — MAXIMILIAN I. — RIVALRY OF FRANCE AND THE EMPIRE. — INSURRECTION AT THE DEATH OF MAXIMILIAN. — CAUSES WHICH LED TO THE REFORMATION

1437 to 1439. ALBERT II. — By the death of Sigismund, who left no male issue, the throne of Hungary and Bohemia fell to his son-in-law, Albert duke of Austria. In electing him, however, the former kingdom stipulated that he should never accept the imperial crown. The latter was, as might have been expected, divided — the catholic party declaring for him; the Hussites for Casimir, prince of Poland, who, in the hope of obtaining a crown, professed his willingness to favour their sect. In reality they wished for no king, still less for Albert, who had fought against them under the banner of Sigismund. While Casimir was hastening with a body of troops to support his pretensions, the diet of Frankfort elected Albert as king of the Romans. At first this monarch showed considerable reluctance to accept it; but being absolved by the council of Bâle from the oath which he had taken to the states of Hungary, and those states themselves relieving him from

the obligation, he signified his assent. His chief inducement was the aid which, as emperor, he might derive from Germany, in the reduction of the Bohemian rebels. As he had not sought the throne, we do not read of any particular compact between him and the electors: no more appears to have been exacted than a general confirmation of privileges. His fleeting reign of two years offers little to strike the attention. He expelled Casimir from Bohemia, and caused himself to be recognised by that kingdom; he proposed to the diet several good regulations for the internal peace of the empire; and it is admitted on all hands that he showed qualities worthy of his high station. But during the preceding century, the Turks had established themselves on the left bank of the Hellespont, had rendered the Greek emperors tributary, and from their capital of Adrianople had despatched their formidable bands to the frontiers of Hungary. Bulgaria, Servia, Bosnia, had been overrun by Amurath, the son of Orcan; by Bajazet (1389—1402) the Turkish domination over these provinces was established, Thessaly and Macedonia were humbled, and the emperor Sigismund defeated with great loss in the vicinity of Nicopolis. Christendom was in consternation, when a more ferocious monarch, the celebrated Timur, assailed and captured the hitherto victorious Bajazet. This event suspended the fate of Constantinople; it allowed Europe time to recover from its dismay. The troubles which for some years distracted the family of Othman secured the tranquility of Sigismund; but he had now the mortification to see Amurath II. restore the Mohammedan domination over the provinces which lay between his hereditary kingdom of Hungary and the Hellespont. On the death of Sigismund, Amurath burst into Servia and laid siege to Semendria. It was now Albert's turn to march against the invader. With the despot of Servia he was bound by treaty; and the fall of that province must of necessity place Hungary in peril. Arriving at Buda, he zealously collected a small

army, and marched to Semendria; but he had the mortification to witness the surrender of that fortress, and the massacre of its garrison. With a handful of troops, dispirited by their fears, he could not encounter a vast multitude flushed with victory: but he scorned to retreat; he yet hoped to allure the Hungarian nobles to his standard; and his object would have been attained, had not a dysentery broken out among his troops and carried off the greater portion. It soon assailed himself; and he was compelled to retire into Hungary: but he had the gratification to learn that the same infliction raged in the Turkish camp, and now compelled Amurath to retreat. His death at an obscure village in the diocese of Gran, leaving no issue, but a pregnant wife, plunged Hungary into discord, enabled the Bohemian partisans to renew their troubles, and was a serious loss to the empire.*

1440 to 1460. FREDERIC III.—After the death of Albert, the choice of the electors fell on his cousin Frederic, duke of Styria.† Whether this prince had much desire for the dignity, may be doubted. Fond of study, and still more of retirement; indolent, and, consequently, averse to war, and to the active duties required from the head of the Germanic state; avaricious, and, therefore, little disposed to value a crown the splendour of which must be supported by his patrimonial possessions, he would have acted wisely by following the dictates of his judgment, and declining the unwelcome pre-eminence. After three months' deliberation, however, he signified his assent. His chief inducement, doubtless, was the hope —a hope not unreasonable — that by marriage or compact, by conquest or purchase, he might aggrandise the house of Austria, especially the branch to which

* Æneas Sylvius, Historia Bohemica, cap. 55. et 56. Dubravius, Historia, lib. 28. (apud Freherum, Rerum Bohemicarum Scriptores). Anon. Historia Ducum Styriæ, p 78 Mutius, Chronicon Germanorum, lib. 28. (apud Menckenium, Rerum Germanicarum Scriptores, tom. ii.). Pfeffel, Histoire d Allemagne, tom. ii. (sub annis). Schmidt, Histoire des Allemands, tom. v. chap. 17. Coxe, House of Austria, vol. i. chap. 12.

† Ludovic, landgrave of Hesse, had the first offer of the crown; but he declined it.

he more immediately belonged. The affairs of that house were in no enviable position. Elizabeth, indeed, the young widow of Albert, was pregnant; if she brought forth a son, he would be its undisputed head, — duke of Austria, king of Hungary and of Bohemia; and Frederic, as the next in succession, was his legitimate guardian. If the queen had only daughters, Austria fell to Frederic; but the two crowns must be conferred by the suffrages of the nobles. Yet the Hungarians, whose critical situation rendered an infant sovereign no blessing, sent, without awaiting the issue of their queen's pregnancy, an embassy to Uladislas, king of Poland, with an offer of the crown, on condition that he would marry the relict of Albert. Uladislas accepted the offer; and though, on his arrival in Hungary, he found the queen had been delivered of a son, Ladislas, surnamed the Posthumous, — the infant had even been crowned, — his party adhered to him. A civil war followed, when Elizabeth, feeling her party the weaker, retired into Austria with the prince and the celebrated crown of St. Stephen. As Frederic was engaged in hostilities with his own brother Albert, who was seeking to deprive him of one portion of his paternal inheritance, he could not afford much aid to his ward; but peace was at length effected through the interference of the papal legate, on the condition that, until Ladislas reached his majority, the government should be held by the Polish king, who should succeed in the event of his death; and that Uladislas should receive at the hand of Elizabeth, who was averse to a second marriage, that of her elder daughter, the second daughter being promised to Casimir, brother of the Polish king. In twelve months, however, the queen paid the debt of nature, and Uladislas assumed the regal title. Frederic armed, indeed, in behalf of his kinsman, but he was soon compelled to sign a truce. Thus he had the mortification to see the crown of Hungary carried into the royal house of Poland. In regard to that of Bohemia, he was almost equally unfortunate. The Callixtines

clamoured for prince Casimir of Poland; next they actually elected Albert duke of Bavaria. But Albert refused the dignity; so also did Frederic, who would not profit by the misfortunes of his kinsman. The Callixtines now consented to recognise Ladislas Posthumus, on the condition that the government of the realm should remain in the hands of native regents. As one regent could not at the same time be both Roman catholic and Hussite, each party elected its own chief — the former choosing count Meinhard, who had distinguished himself in the civil wars of Sigismund's reign; the other vesting their suffrages in a chief of smaller note, Ptarsko, who, soon dying, however, made way for the celebrated Podiebrad. It was not to be expected that the two regents, still less the two parties, would remain at peace. Both struggled for the ascendancy. Meinhard was driven from power, and Podibrad remained at the head of affairs. In his wars with Albert, Frederic was equally unsuccessful: the German princes would not assist him with troops; and he was compelled to proclaim peace. Amidst these disasters, the death of Uladislas (1444) on the field of Varna, while manfully resisting the Turks, opened the way for the succession of Ladislas. The Hungarians, indeed, demanded their king; but, Frederic refusing to resign his charge, they chose as their regent, John Hunniades, who, like Uladislas, was suspected of aspiring to the crown. There was probably great justice in the suspicion. There was still more in the case of Podiebrad. But, as a numerous party in both kingdoms was faithful to the youthful sovereign, the two regents were compelled to act with caution; often to see their designs retarded by circumstances which no ambition could control. Thus, in 1451, the nobles of Hungary and Bohemia, after vainly demanding the person of their sovereign,—a demand in which they had been joined by the states of Austria, who were no less anxious for his presence,—joined their arms, and resolved to obtain by force what had been refused to their solicitations. By

16,000 men Frederic was besieged in Neustadt; nor could he obtain peace without the delivery of his ward. Ladislas was triumphantly escorted into Hungary, when he confirmed Hunniades in the regency; and returned into Bohemia to receive the homage of the people. Podiebrad bent to the storm; met his sovereign with great humility at Iglau, and was present at the coronation in the cathedral of Prague. But he was confirmed in his authority: though Ladislas abode a whole year in the kingdom, nothing was undertaken without his sanction; and he had the gratification to perceive that the youthful sovereign was a bigot, and therefore unpopular with the Hussites. The short reign of Ladislas was every where unfortunate. His court, whether at Prague, or Buda, or Vienna, exhibited little beyond the arts of worthless fanatics to supplant one another; and the complacency with which he lent himself to the views of the one who appeared to have the ascendancy was naturally displeasing to the people. And his actions were singularly imprudent. When in Hungary, the distrust which he showed of Hunniades, the saviour of the country, cooled the loyalty of many adherents; and when Mohammed II., after the fall of Constantinople, advanced towards the Hungarian frontier, he and his favourites fled to Vienna. Under the walls of Belgrade the regent again triumphed; but he scarcely survived this splendid victory. Ladislas, overjoyed at the fall of Hunniades, much more than at the defeat of the Mohammedans, now hastened to Hungary; but it was to behead the elder son of the deceased regent, and to make the younger, Matthias, prisoner. Matthias would soon have followed his father, had not the Hungarians risen to defend him, and, still more, had not death surprised Ladislas in Prague, whither in 1458 he retired to escape their execrations. By this event Frederic was heir to numerous territories; but, as if a fatality was to attend all his steps, he derived little advantage from the circumstance. In the first place, his brother Albert and his cousin Sigismund forced him to

divide the Austrian states with them. In the second, Bohemia, or, we should rather say, the Hussites, raised to the throne the ambitious Podiebrad, who maintained himself on it in defiance of the empire and its chief. Thirdly, Hungary elected as its king Matthias Corvinus, — the wisest choice that could have been made. Frederic, indeed, consoled himself for a time by witholding the crown of St. Stephen; but the only effect of this pitiable feeling was a war with Matthias. In a few years, both princes listened to the proposals of Podiebrad, king of Bohemia, who persuaded the emperor to sell the crown for 60,000 ducats, on the condition, however, that, if the male line of Matthias became extinct, that of Frederic should succeed.*

1442 to 1490. As an emperor, Frederic obtained no more respect than as a private prince: he no more procured the attachment of the Germans than he had procured that of the Hungarians, the Bohemians, and even the Austrians. His neglect of his imperial duties, and his subserviency to the court of Rome, exposed him to peculiar obloquy. Unable to succour his allies, the inhabitants of Zurich, who were engaged in hostilities with two or three of the neighbouring cantons, he allured a vast body of French adventurers, under the command of the dauphin, into their regions. They were, however, so roughly received by the hardy mountaineers, that they were glad to turn aside to a more easy prey. Leaving the people of Zurich to make what terms they could with the hostile states, these freebooters threw themselves into Alsace, and committed the most horrible excesses. The majesty of the empire was not much offended with this insult. The diet of Nuremberg, indeed, declared war against France; but not a knight marched into the field; and the plunderers were not only allowed to retire unmolested, but they exacted a

* Bonfinius, Rerum Hungaricarum Decades, decas iv. (variis libris). Æneas Sylvius, Historia Bohemica, cap 58. Dubravius, Historia, lib. 28. et 29. (apud Freherum, Rerum Bohemicarum Scriptores). Pfeffel, Histoire, tom. ii. (sub annis). Schmidt, Histoire, tom. v. chap. 18, 19, 20. Coxe, House of Austria, vol. i.

promise that no indemnity should be claimed for the horrors they had perpetrated. The brave inhabitants of Zurich immediately renewed their league with the house of Austria, and adhered to the confederation. In his transactions with the papal court Frederic was equally weak; or rather, perhaps, he was anxious to secure his favourite objects at the sacrifice of his most paramount duties as sovereign. During the schism consequent on the election of Felix V., and the opposition of the council of Bâle to Eugenius IV., it was his province either to observe a strict neutrality, or to take part with a council which seemed resolved to end many of the abuses that had for so many ages corrupted the church. But he wished for the imperial crown, and, to obtain it, he became the passive instrument of the designs of Eugenius. Eugenius dying, and Nicolas V. ascending the pontifical throne (1447), made no difference in the plans of Frederic: he ratified with the papal legate, though in opposition to several of the electors, and to the general voice of Germany, the famous Concordatum, the conditions of which remained in force down to our own times. If it removed some abuses; if it restored in all the Germanic churches and monasteries the ancient forms of canonical election; if it abolished provisions, graces, expectatives; it retained others, which were exceedingly obnoxious, which had been condemned by general councils, and which even some preceding popes had consented to abolish. 1. The pope was confirmed in the right of nominating to all benefices of which the incumbents died at Rome, or within two days journey of that capital, or which were rendered vacant by his promoting them. 2. A more grievous evil was one which, in virtue of repeated concordats since the fall of the Hohenstauffen dynasty, had become too stubborn to be rooted out: it was that of nominating for each alternate month —that is, for January, March, May, July, September, and November — to the canonries and prebends which became vacant during those months; the vacancies during the remaining six being supplied by canonical

election. This patronage of half the apostolic dignities of the Germanic church may enable the reader to form some idea of the nature of papal encroachments. 3. If the pope nominally renounced annates, or first-fruits, he exacted an ample equivalent in the shape of a certain sum to be paid by every new incumbent, at two instalments, each of which appears to have been equal to a year's income from the benefice. Having prevailed on the states to acknowledge Nicolas, Frederic revoked the safe-conduct which he had granted to the fathers of the council of Bâle; and they, to make their peace with the legitimate pope, prevailed on Felix to resign the papacy; but, to preserve some show of consistency, they elected Nicolas, and separated. Had they not been betrayed by Frederic and the French king, they would have effected much; but, thwarted at every step, divided among themselves, opposed by many prelates of the church universal, and unassisted by those of their own party, they could only lament their inability to effect the reformation for which the wise and good had so long clamoured. After these disgraceful scenes, Frederic received, at Rome (1452), the imperial crown from the hands of Nicolas. But this vain ceremonial added nothing to his reputation. In 1459, he was compelled to acknowledge Podiebrad as king of Bohemia; and, after an unsuccessful war, Matthias as prince of Hungary. A third war with his brother Albert, who, after wresting from his feeble grasp, a part of Austria, aspired to the conquest of the whole, was equally disastrous to his reputation. He was besieged in the fortress of Vienna; and, but for the politic advice of Podiebrad, would have been captured, and made to sign worse terms than the cession of his hereditary states. By Podiebrad's influence a reconciliation was effected: Albert was allowed to retain, during eight years, the government of Lower Austria, under the condition of an annual tribute of 4000 ducats. The grateful monarch immediately raised the two sons of his vassal to the dignity of princes of the empire, and conferred

several privileges on Bohemia in general, and on Prague the capital. The humiliations which he was doomed to support from his brother ended in 1463, by the death of Albert, who, had his life been protracted, would entirely have conquered the whole of the Austrian states. In these transactions there is something exceedingly singular. Though at the head of the greatest empire in Europe; though powerful sovereigns were his vassals, this monarch was unable to contend with a rebellious duke, the head of a bounded region. Much of this must, doubtless, be attributed to the absence of all military talent in the emperor; but more to the extraordinary fact, that, whatever his personal ambition, whatever his dangers, he could obtain no aid from the princes of the empire. His appeals to them were frequent; but no diet, no individual member, would listen to them. The quarrel, as regarded both Hungary and Austria, was deemed one purely personal; one which, however important to the duke of Austria, did not concern the empire or its chief. Nor were his humiliations to spring from these quarters alone. On the death of Ludovic the Good, count palatine, leaving an infant son, Philip, the electorate was confided to Frederic, the brother of Ludovic; on the condition, however, that the uncle would never marry, and that Philip might not, therefore, be excluded from the succession. As the new elector was an able, a valiant, and an enterprising man; as the electorate was torn by intestine divisions, and menaced by foreign wars, this measure was a prudent one. The emperor, however, refused to confirm the title of the count palatine; and he consequently added another to the long list of his enemies. The palatine was not slow to foment a spirit of dissatisfaction with the emperor, and even to plot for his deposition. The archbishops of Trèves and Mentz were soon gained; and the offer of the vacant dignity to a third elector, Podiebrad, secured *his* co-operation. Though the acts of the emperor, whom this conspiracy roused from his indolence, rather impeded than dissolved it, it increased

the mass of discontent. This discontent was widely diffused by another act of impolicy, which proved that, where the papal interests were concerned, those of the empire were light in his eyes. A vacancy in the see of Mentz brought two candidates for that high station,—Adolf, count of Nassau, and Dietrich of Isemberg. The latter had the majority of votes; but Pius II. (Æneas Sylvius), who, in consequence of the division, had the privilege of deciding the dispute, refused to confirm the choice, unless the primate elect engaged not to assert the supremacy of a general council, not to convoke of his own authority an imperial diet, and to pay double the sum which had been fixed for the annates. Dietrich, though his ambassadors had agreed to the terms, refused to ratify at least one of them,—that which required the heavy sum in lieu of the annates; and when proceedings were instituted against him in the apostolic court, he disregarded the matter by appealing to the next general council. Pius, who had declared of his own authority such appeals no less than heresy, was deeply incensed at this spirited conduct; but, as he knew the archbishop had a powerful party, even among the clergy, he proceeded with caution in his projects of revenge. In the diet of Mentz (1461), the primate bitterly complained of this and other exactions; he represented all payments to the papal see as purely voluntary; that to exact them was an arrogance which should no longer be borne. He certainly touched a chord which responded to the hearts of his hearers; but two nuncios who were present, proved to his confusion that he had frequently, and even recently, sanctioned the very things which he now condemned; and that, if his private views had been granted, if his proposals had been accepted by the pope, no opposition would have been heard from him. Dietrich, in fact, was neither saint nor patriot, though by modern historians he has been represented as both. He had expelled by force several of the canons who had voted for Adolf; he was no stranger to deeds of blood; he had

headed several hundreds of his partisans, burned the houses, and even the villages, of his opponents; had stolen wives from their husbands; and plundered and laid waste on every side; had sold holy orders to any bidder; and, as primate, had refused justice to the inferior ecclesiastics. It was, doubtless, from these and other misdemeanors that his discourse at the diet failed to produce the effect designed. That he deserved excommunication and deposition is undoubted; but, whatever might be his crimes, he would probably have escaped unpunished had he not drawn on his head the personal antipathy of the pope. In a bull, issued with great solemnity, he was deposed, and Adolf, his rival, was declared archbishop elect. Adolf was instantly acknowledged by the emperor: in revenge, Dietrich joined the count palatine and Ludovic of Bavaria, who armed to gratify his resentment and their own. The war which followed devastated the Rhenish provinces; yet it was a war, not of principles, but of personal interests and antipathies. Though the imperial troops were defeated, proposals of advantage detached the two princes from the cause of the archbishop, who was compelled to recognise his rival. If these contentions were thus hushed for a moment, the imbecility of the emperor was apparent to every one. New wars broke out under his very eyes; wars which he had neither the ability nor the inclination to repress. That there should be a loud outcry against him, and that the project of dethroning him to make way for Podiebrad should be resumed, need not surprise us. He had, however, some address; and he had the wisdom to maintain a friendly intercourse with every succeeding pope. Now he stirred up a war between Podiebrad and Matthias of Hungary; now he prevailed on the pope to preach a crusade against the Bohemian king, as the acknowledged head of the Hussites. But Germany would not move even to resist the progress of the Turks, much less to dethrone an elector who had won the respect of the empire. If Frederic himself wished the destruction of his vassals, he had

certainly no great antipathy to the infidels. They furnished employment to one whom he hated, the king of Hungary; and though detached bodies of these barbarians penetrated twelve times into his hereditary dominions, though they massacred thousands, and led thousands captive from Carinthia and Styria, he did not oppose them in the field. In the language of a contemporary chronicler, — "he was more anxious to shield his cabbages from the frost, than his people from the barbarians." That he should be regarded with contempt was the righteous meed he deserved. The death of Podiebrad (1471) freed him from one dangerous rival; but it did not open his way to the Bohemian throne. In conformity with the wishes of the deceased monarch, the states elected Ladislas, son of Casimir king of Poland; and though Frederic stormed, he was compelled to recognise the new potentate. Subsequently he entered into an alliance with this Ladislas, against an enemy whom he detested much more cordially,— Matthias of Hungary: as usual, in the war which followed, success declared for his enemies; his hereditary domains were laid waste; what the Turk spared was seized by the Hungarians; nor could he procure peace without opening his coffers. And even when peace was concluded, it was of short continuance. Either with that fatality which accompanied all his measures, he neglected to fulfil its conditions, and therefore brought on his head a double vengeance; or he found some other means of producing irritation. Often while his provinces were laid waste, was he seen wandering from city to city, from convent to convent, soliciting assistance in money or in men, but receiving it from none; and, not unfrequently, he contrived to have Ladislas, as well as Matthias, for his enemy at the same time. Thus when the papal power persecuted the Bohemian king, as it had persecuted his predecessor, merely because he tolerated the Hussites, Frederic leaned to it, and had the mortification to see Austria a prey to hostile irruptions. But the greatest cause of offence was in 1486,

when he prevailed on the three ecclesiastical electors, who owed their seats to his favour, and on three secular electors, who were connected by blood or marriage with his family, to elect his son Maximilian king of the Romans. Fearing opposition from Ladislas, he caused the election to be made with great secrecy and despatch; so that the choice was made before the Bohemian monarch was aware of its agitation. This transaction is very characteristic of Frederic: it was first a violation of the constitution; then it was a wanton insult, admirably calculated to incense beyond the hope of forgiveness one who was too powerful to be offended by any sovereign, least of all by a sovereign of Germany. Encouraged by his subjects, who felt the insult as keenly as himself, Ladislas refused to acknowledge the new king of the Romans, and prepared for war. War, indeed, was averted through the interference of the electoral college; but the rankling wound remained, and Ladislas had soon his revenge. On the death of Matthias Corvinus without issue, the throne of Hungary, agreeably to compact, devolved to Frederic; but the Bohemian king was popular, he was powerful and active, and he had little difficulty in procuring his election by the states. If the emperor was too cowardly and too avaricious to encounter the enemy, his son Maximilian had more spirit: but, as usual, the result was favourable to Ladislas, who was eventually acknowledged by the empire.*

But if Frederic was thus unfortunate in his undertakings, one of his efforts for the aggrandisement of his house was more successful, though, in its consequences, it proved most disastrous to his posterity, to France, and to Europe. During the life of Charles the 1477 to 1493.

* Bonfinius, Rerum Hungaricarum Decades, decas iv. lib. 1—10. Dubravius, Historia Bohemica, lib. 29—31. Æneas Sylvius, Historia, cap. 72, &c. (apud Freherum, Script. Bohem.). Anon. Historia Ducum Styriæ, p. 80—92. Raynaldus, Annales Ecclesiastici (sub annis). Cochlaeus, Historia Hussitica, lib. 11, 12. Pfeffel, Histoire d'Allemagne, tom. ii. p. 12—54. Schmidt, Histoire, liv. vii. (variis cap.). Coxe, House of Austria, vol. i. (Reign of Frederic III.).

Rash, duke of Burgundy, Frederic negotiated a marriage between his son Maximilian and Mary, daughter and heiress of that prince. With his accustomed fatality, indeed, he turned one whom he had chosen for the father-in-law of his son into an implacable enemy, and had brought the troops of Burgundy into the Rhenish provinces; but, after the death of Charles, he renewed the negotiations with the princess herself. Policy, the interest of the Netherlands, and even of Europe, required that she should be married to the dauphin of France, for whom her hand was sought by Louis XI.; but the dauphin was yet a child, and Mary was a woman, already favourably disposed towards Maximilian. Contrary, therefore, to the advice of her ministers, she received with evident pleasure the ambassadors of the emperor: she was even married by proxy; and, on this occasion, the nobleman who represented Maximilian lay down by her side, but armed at all points, with a sword between him and the princess, and in presence of numerous witnesses. The issue of this marriage was Philip, who became the husband of Juana, the heiress of Castile, and father of the emperor Charles V. Hence the rivalry between France and Spain, between France and the empire, which raged with fury down to the eighteenth century. Nor was this the only evil; for the Flemish were always a disaffected people—always fond of revolution; and to maintain them in obedience required more trouble, and occasioned more expense, than the provinces were worth.*

1493. Frederic died in 1493, after a protracted and inglorious reign of fifty-three years. His character requires little exposition: without discretion, he made all the neighbouring princes, all his own vassals, his enemies; without courage, he was vanquished by every one that drew the sword against him. No menial ever submitted to so many and so great humiliations: he seems, in fact, to have been rather a puppet than the sovereign

* Philippe de Comines, Mémoires, liv. vi. Pfeffel, Histoire, tom. ii. A. D. 1477. Schmidt, Histoire, liv. vii. chap. 26.

of a great nation. Severely, but truly, it has been said of him, that his understanding was bounded, his superstition excessive, his bigotry pitiable; that he was suspicious without foresight, irresolute in his choice, inconstant in his attachments, and sometimes implacable in his hatred. But, on the other hand, he was faithful to his word, skilful in his negotiations, well acquainted with human character, temperate in his habits, and unsullied in his morals; and, great as was his indolence, his enemies cannot deny that some good was effected during his reign. "By his endeavours the outlines of a system were traced for levying the contingents of the princes and states, which had hitherto been reduced to no regular plan, and principally depended on the power and character of the emperors, and the respective interests of the different members composing the Germanic body. The succours were divided into greater and less contingents; the former amounting to 34,000 men, and the latter to 8000: the lesser contingents were to march on the first alarm, and the greater the ensuing year. For the support of these troops, 537,000 florins were appropriated to the greater contingents, and 153,000 for the less, to be levied according to the respective assessments paid by the different princes of the empire; and the contributions of the imperial towns were to be settled with the emperor himself, by means of concessions." But, inconsiderable as was the sum required for the defence of so great a country, it could not always be collected; and two superior colleges — that of the electors and that of the princes — wished to throw the burden on the cities, the cities on the electors and princes. The deputies from the *free cities*, such as Strasburg, Bâle, Worms, Spires, Frankfort, Haguenau, and Colmar; and those from the *imperial cities*, such as Augsburg, Nuremberg, Ulm, with those of Swabia generally, occupied different benches in the diet, but constituted the third college of the empire; and, as their interests were identical, they never failed to act in concert. And we may here observe, that, though this distinction of three colleges

doubtless existed at a much earlier period, we find no direct intimation of it before the present reign. Previously, the two superior colleges appear to have deliberated in concert; but henceforward they were as much separated as they were from the inferior colleges of the deputies. When, however, the subject of deliberation was common to all, *relationes* and *correlationes*, or conferences, of all the three bodies were usual. But such conferences were seldom harmonious — never where the amount of the different contingents was to be regulated. At the diet of Nuremberg (1487), the deputies proposed, as a general principle, that *their* contributions should always amount to forty per cent. of the sum levied. But this was certainly not an equitable proposal: most of the money in the empire was in the hands of these commercial communities, for the electors and princes had very little; and we must add, that, while the latter led many of their vassals to the field, and were compelled to support them, the former had nothing but money to furnish: mercenaries, even of the noblest blood in Germany, were at any moment to be procured. That it should be rejected was inevitable: in reality, it was made rather to save appearances than with any expectation of its being accepted. On most occasions, each of the colleges refused to vote a single florin; and, even when the necessity of supply was too evident to be disputed, one of them had only to complain that the proportions of the contingent were unequal, and thereby to escape the contribution of a ducat. In general, the affair was postponed to the next diet; and, as that diet might be attended or not, this postponement was virtually equivalent to an escape from the odious obligation. Yet it is no less certain that the measure to which we have adverted — the fixation of the great and the little contingents — was a good. The former, indeed, which required at least twelve months to raise, might arrive too late; but the despatch to any given point of 8000 troops showed that the states were in earnest, and often pledged them to ulterior operations.

Another circumstance of Frederic's reign is entitled to notice. The right of diffidation, or of private warfare, had been the immemorial privilege of the Germanic nobles, — a privilege as clear as it was ancient, which no diet attempted to abolish, but which, from the mischiefs attending its exercise, almost every one had endeavoured to restrain. Since the fall of the Hohenstauffen dynasty, these mischiefs had increased in number and magnitude. Not only state could declare war against state, prince against prince, noble against noble, but any noble could legally defy the emperor himself. Many of the challenges are on record; and one of these, from a simple noble, may be adduced to illustrate the nature of the evil: —

"Most serene and most gracious prince, Frederic king of the Romans! — I, Henry Mayenberg, make known to your royal grace, that from this time I will no longer obey your grace, but will be the enemy of your country and of your subjects, and do them all the harm I can."

And these defiances often originated in frivolous, sometimes in ridiculous pretexts. The lord of Prawenstein defied the city of Frankfort, because a young lady of that city had refused to dance with his uncle. But what must surely have covered the whole system with ridicule, is the fact that the right was assumed by persons of ignoble callings. Thus, in 1450, a challenge was sent by the baker and domestics of the margrave of Baden to several imperial cities; in 1462 the baker of the count palatine defied three cities; in 1471, the shoeblacks of the university of Leipzig defied the provost; and, in 1477, a cook of Eppenstein, with his dependent scullions, challenged Otho count of Solms. It was probably the ridicule, much more than the mischiefs arising from the system of diffidation, that at length rendered the three colleges willing to restrain, or even abolish it. For this purpose, the establishment of an imperial chamber, with high judicial functions, was proposed, which should take cognizance of all dis-

find no
putes among the electors, princes, and nobles, m. Pre-
on the merits of each case, without sufferin ave deli-
to the sword. This must not be confound re as much
imperial tribunal, which, as we have fr eges of the
served, took cognizance of certain cases w leliberation
but very narrow limitations. The proposa s, or con-
petual public peace — a blessing which all But such
reasonable — was not approved by some, l where the
would deprive them of the impunity they ha gulated.
loved. But a greater obstacle lay in the jealou ies pro-
colleges, in regard to the influence it might ributions
emperor. This is strikingly evinced in the pr the sum
by the college of princes before that of the el ble pro-
a proposition drawn up with singular caution. s in the
emperor shall establish and open an imperial e electors
the proceedings of which he shall not interru dd, that.
fluence: he shall not revoke, or suspend, or a the field,
progress of any affair; nor shall he sentence mer had
demned person, except in accordance with tl n of the
He shall fix the seat of this tribunal in one su t to be
portant city of the empire as may be found conv itable:
for the princes; he shall nominate a competent es than
authorised in the emperor's name, and in concert most
a council of assessors, to issue arrests, decrees, single
bitions, and all mandates whatever, as irrevocable a.. too
they emanated from the imperial council." The tr ain
bunal proposed was to be provided with a sufficien nd
number of assessors and councillors, of whom all are l,
either to be nobles, or doctors in civil law. That the at
suggestion should be disagreeable to the emperor, need as
not surprise us; it must, if carried into execution, destroy the little judicial authority which remained, the last wreck of the imperial power. He wished the judge to be subordinate to himself, to be removable at his pleasure, and the tribunal to sit wherever he might happen to be; and he was indignant at the proposal, that by this chamber alone should the ban of the empire hereafter be pronounced. Neither could the parties agree as to the nomination of the assessors, nor as to

Another cir rom which they were to be supported. notice. The oject was suffered to languish, though been the im bsequently made by the states to force —a privileg heir views. But if the public peace could attempted tc nforced by an imperial chamber, he es- attending its gue both of the princes and of the im- to restrain. hich was destined to be better observed these misc ceding confederations. Its object was to Not only or , during ten years, should, by the right against p , violate the public tranquillity. He com- legally de h Swabia, which had ever been regarded as l domain; and which, having no elector, no noble, ma luke, no actual head other than the emperor evil:— d, consequently, no other acknowledged pro- sufficiently disposed to his views. In its "Most Swabian league consisted only of 6 cities, Romans!- 3 counts, 16 knights; but, by promises, or grace, that but will l or threats, Frederic soon augmented it. The and will towns was raised to 22, of prelates to 13, to 12, of knights or inferior nobles to 350. And ed additional strength from the adhesion of somet nd t cities beyond the confines of Swabia; and wenstal t splendour from the names of 2 electors, lady grave p s, and other reigning princes. It maintained But ntly r force t on foot 10,000 infantry and 1000 cavalry, quillit generally sufficient for the preservation of l y. Of its salutary effects some notion may and-fo from the fact, that, in a very short period, verful t orty bandit dens were stormed, and that two ert of offenders, George duke of Bavaria, and duke make sa Munich, were compelled by an armed force peace. W tisfaction for their infraction of the public reign by a shall conclude this sketch of Frederic's an archdu ding, that in 1453 he erected Austria into of creatin hy, conferring on its sovereigns the privilege the form g nobles, and of imposing taxes, without even ality of applying to the diet.*

* Hegesd ten, p. 91, an wisch, Geschichte der Regierung Kaiser Maximilians des Ers- &c. Arndlu, De Imperio Romano, lib. ii. cap. 17, 18. Sattlers

Burgundy, and Britany with the other provinces. Though France and the empire were always hostile by circumstances; though each had claims to the fine regions extending from the Moselle to the Mediterranean, the one through weakness, the other through indifference, had refrained from war. The marriage of Maximilian with the heiress of Burgundy brought the two into direct collision. France, which had seized the other possessions of Charles the Rash, aspired to the Netherlands; Maximilian regarded his son Philip as the rightful heir to the undivided sovereignty of that prince. As its strength increased, the Gallic monarchy felt new stimulants to ambition. If the Scheldt was the natural boundary on the north, the Rhine was equally so on the east. Again, the houses of France and Aragon had for some reigns been contending for the throne of Naples; and, though the latter was now triumphant, the former was preparing to invade Italy.* As, to a nation without a fleet, Lombardy was the only practicable route, the possession of, or at least the superiority over, that important province was too desirable not to be attempted. Hence it required no prophet to foresee that the rivalry of France with the emperor and with Spain must give rise to a new order of things, — to interminable wars, to new combinations of states, probably to new states as well as dynasties. To these elements of hostility, we have only to add the menaces of the formidable power just consolidated on the banks of the Bosphorus, — a power that openly threatened the subjugation of Hungary and of Germany,—and we may fully conceive the satisfaction with which all right-minded men regarded the continuance of the imperial crown in the house of Austria.†

The transactions of Maximilian with foreign powers must occupy no more of our attention than is necessary 1493 to 1519.

* See Europe during the Middle Ages, vol. i. chap. 1.

† Founded on the historians of the period; on Coxe, House of Austria, vol. i. p. 315, &c.; on Schmidt, Histoire des Allemands, tom. v. p. 361, &c.; and on Heeren, Manual of the History of the Political System of Europe and its Colonies, vol. i. Introduction.

for exhibiting the situation of the empire,—the peculiar object of the present compendium. Scarcely had he ascended the throne, when Charles VIII., king of France, passed through the Milanese into the south of Italy, and seized on Naples without opposition. Maximilian endeavoured to rouse the German nation to a sense of its danger, but in vain: the people, whom even the approach of the Turks had not roused, were not disposed to be alarmed by the contiguity of the French; nor could they be made to comprehend what was meant by a balance of power. At all times they have been shamefully negligent of that first duty, the defence of their country; to its honour they were wholly insensible. They acknowledged, indeed, that the French, like the Turks, ought to be opposed; but they refused to vote either men or money, unless certain demands were conceded by the emperor, — demands that tended to the diminution of an authority already far too weak for the interest of the community. Some of them, relating, as we shall hereafter perceive, to the establishment of the imperial chamber, he was persuaded to sanction; yet he obtained not one third of the supplies that had been promised. With difficulty he was able to despatch 3000 men to aid the league, which Spain, the pope, the Milanese, and the Venetians had formed, to expel the ambitious intruders from Italy. To cement his alliance with Fernando the Catholic, he married his son Philip to Juana, the daughter of the Spaniard.* The confederacy triumphed; not through the efforts of Maximilian, but through the hatred of the Italians to the Gallic yoke. Charles precipitately retired into France, and Gonsalvo de Cordova restored the dethroned king. But the French had still a few garrisons in Italy; and, though no general engagement took place, skirmishes were frequent. If the French monarch was thus unfortunate in his attempts to recover what he regarded as the lawful possessions of the house of Anjou in southern

* See History of Spain and Portugal, vol. iii. (ARAGON).

Italy, he hoped to derive greater advantage from his disputes with the Austrian power in the Low Countries: nor was he disappointed. Louis XII., who succeeded to Charles (1498), so far from resigning Burgundy, forced Philip to do homage for Flanders; surrendering, indeed, three inconsiderable towns, that he might be at liberty to renew the designs of his house on Lombardy and Naples. The ever-varying successes of the Italian war, as interminable as they are complicated, must be sought in works expressly devoted to the subject. The French had little difficulty in expelling Ludovico Moro, the usurper of Milan *, and in retaining possession of the country during the latter part of Maximilian's reign. Louis, indeed, did homage for the duchy to the Germanic head; but such homage was merely nominal: it involved no tribute, no dependence. The occupation of this fine province by the French made no impression on the Germans; they regarded it as a fief of the house of Austria, not of the empire: but even if it had stood in the latter relation, they would not have moved one man, or voted one florin, to avert its fate. That the French did not obtain similar possession of Naples, and thereby become enabled to oppose Maximilian with greater effect, was owing to the valour of the Spanish troops, who retained the crown in the house of Aragon.* His disputes with the Venetians were inglorious to his arms; they defeated his armies, and encroached considerably on his Italian possessions. He was equally unsuccessful with the Swiss, whom he vainly persuaded to acknowledge the supremacy of his house. It was fortunate for him that the Turks were too busily occupied in quelling internal rebellion, and consolidating their infant power on the Syrian and Egyptian frontiers, to have leisure for the long-meditated invasion of Germany. In his declining days he was so enthusiastic as to propose a crusade against them; but, as usual, the Germanic states

* See Sismondi, History of the Italian Republics; and Europe during the Middle Ages, vol. i. chap. 1.

† See History of Spain and Portugal (Cab. Cyc.), vol. iii.

refused the necessary supplies. Such a proposal, while the Milanese was in the hands of the French, the rest of Lombardy in that of the Venetians, and the Netherlands daily menaced, does not argue much for the wisdom of this emperor. For many of his failures, however, he is not to be blamed. To carry on his vast enterprises he could command only the resources of Austria: had he been able to wield those of the empire, his name would have been more formidable to his enemies; and it is no slight praise, that with means so contracted he could preserve the Netherlands against the open violence, no less than the subtle duplicity, of France.*

1495. But the internal transactions of Maximilian's reign are those only to which the attention of the reader can be directed with pleasure. In 1495 we witness the entire abolition of the right of diffidation,—a right which from time immemorial had been the curse of the empire. In the preceding reign, efforts, as we have already observed, were made, both by sovereign and states, to destroy this monstrous abuse; but jealousy as to the formation of the proposed imperial chamber, which was to watch over the public power, rendered it impossible for both to act in concert. In the diet of Worms, however, the states, knowing that Maximilian had need of their assistance against France refused to receive his demand until he sanctioned the establishment of a permanent supreme tribunal, to take cognizance of all violations of the public tranquillity. To understand the nature of this proposal, it will be necessary to recollect what in preceding volumes of this compendium we have endeavoured to explain—that anciently justice was administered by the emperors, sometimes in person, sometimes through the medium of their judges; that Frederic II., unequal to the numerous judicial duties he was expected to discharge, devolved the cognizance of

* Annales Augsthurgenses, pp. 1720—1760. (apud Menckenium, Rerum Germanicarum Scriptores, tom. i.). Muratori, Annali d'Italia (sub annis). Pfeffel, Histoire, tom. i Schmidt, Historia, tom. v. cap. 27—36. Coxe, House of Austria, vol. i. (Reign of Maximilian I.). Anon. Historia Ducum Styriæ, pp. 96—108.

ordinary suits on an officer whom he created for the purpose, and who was styled judge of the court; that Rodolf I. sanctioned the tribunal; that, however, it had no jurisdiction over the princes and the great barons, who were amenable only to a jury of their peers, presided by the emperor in person; that through the perpetual occupations of the sovereigns, and their frequent migrations from one part of the country to another, it could not suffice even to the circumscribed functions which lay within its competence; that in consequence written privileges *de non evocando* were granted by the emperors in favour of particular parties, who were thus enabled to obtain a final decision from an inferior tribunal; that Sigismund, perceiving how lamentably the jurisdiction of the crown had declined, established a new tribunal, called the Imperial Chamber, which was to take cognizance of such causes as the constitution still left to the Imperial authority. This institution was generally approved, especially as the grand judge was chosen by the sovereign from the princes; as the assessors were equally members of the diet; and as the foreign jurists, though admitted to plead in the court, had yet no voice in the decision of cases. But it was soon found to be inadequate. Its sessions were short, depending on the pleasure of the emperor; it was held in no definite place, but where he happened to be, or where he appointed them to be held; and complaints, both loud and frequent, arose, which, though not powerful enough to rouse Wenceslas or Frederic III. from their lethargy, made a great impression on the three colleges of the empire. Before the establishment of a new tribunal, the abolition of the right of diffidation was necessary. Fortunately for the views both of emperor and of electors, of princes and of states, a great revolution had taken place, in the national mind. The right, indeed, was ancient as the nation itself, intimately connected with the popular manners, opinions, and character; but as the study of the Roman law was diffused—and from the establishment of the universities it was obligatory

on all who aspired to honours, or riches, since its spirit, being favourable to absolute monarchy, made it agreeable to the emperors, the disposers of those honours and riches,—men perceived the folly of a custom, of which dear-bought experience had taught them the danger. The foreign jurists, who laboured to substitute the pen for the sword, the solemn dicta of legal commentators for the clangour of arms, deepened the impression, and disposed the minds of princes to substitute reason for violence. But all reformation is effected rather by the pressure of circumstances than by abstract notions of justice. The revolution which the invention of gunpowder had introduced into the art of war, was the circumstance which most influenced the popular mind. No longer could a private gentleman brave, from his castle, the hostility of a prince or a city; his once impregnable bulwarks were a poor defence against the discharges of artillery. The cities themselves had no walls capable of resisting these destructive engines; the princes, even the electors, were in the same predicament. In vain did many wish to retain the ancient mode of warfare,—to exclude the heavy guns as an invention unworthy of chivalry; all were compelled either to adopt their use, or to live in tranquillity. They were employed with great effect by the Swabian league to punish the perturbators of the public peace: that league could not be resisted by mere cavalry, however numerous and brave; in fact, it could be resisted by no single prince or city, even with the aid of all the guns that could be procured. Private defiance, therefore, could no longer be made with impunity; and the passing of the decree which for ever secured the public peace, by placing under the ban of the empire, and fining at 2000 marks in gold, every city, every individual that should hereafter send or accept a defiance, was nearly unanimous. In regard to the long-proposed tribunal, which was to retain the name of the imperial chamber, Maximilian relaxed much from the pretensions of his father. Some he at once conceded; some he remodified; and thus

Aug. 7. 1495.

something like unanimity was obtained. It was solemnly decreed that the new court should consist of one grand judge, and of sixteen assessors, who were presented by the states, and nominated by the emperor.

"The Imperial chamber, as it was now established, principally distinguished itself from the former institutions in this, that not only the power of the judge who represented the emperor himself, but all the other members of the court to whose voice the decision of a cause was submitted — at that time very suitably denominated *urtheiler* (judges); and afterwards called, after the Romans, assessors of the court — were appointed to hold their offices perpetually. By this the advantage was gained of a perpetual collegiate deliberation, in the same manner as at present almost all courts of justice have been established with happy consequences on a similar footing; but at that period the imperial chamber was the first institution of the kind. The principle which formerly prevailed, that no one could be judged except by his equals, was only so far preserved, that the judge of the imperial chamber, as causes, in which both princes and counts were concerned, might come before him, could not be any other than a person of high nobility. There was a wish, likewise, that there might be princes and counts among the assessors. Half of the assessors were at least to be taken from the nobility; and the other half from dignified doctors or licentiates both in civil and canon law. Thus, the imperial chamber seemed already to have had the same institution which is usual in many tribunals at present, that the two branches of nobility, and persons skilled in the law, should be distinct from each other. Afterwards, however, it was thought sufficient when an assessor was either of old nobility or a doctor; for, in both cases, the same studies are requisite, particularly the necessary knowledge of German law, and the common law generally practised throughout Germany. When the imperial chamber was first established, there was no small difficulty in finding a sufficient number of persons who were fit to be assessors, and who would accept of the office. Recourse was at first had to the diet; but, instead of sixteen, the number fixed upon in the statutes of the chamber, only ten could be collected. Soon afterwards, the whole number of electors, the emperor's hereditary territories, and the other states of Germany, as they were divided into six circles, were allowed the right of presentation, in proposing persons for this office, in the same manner as presentations are made to ecclesiastical benefices. By this method, there was reason to hope that persons might be procured from all the different parts of

the empire who were well versed in the various kinds of law, which are almost as numerous in Germany as the states which compose the empire; over which, however, the imperial chamber was to be established as the highest court of appeal. The states procured at the same time an important privilege by this, that they had it in their power to present men of abilities and of integrity to be assessors to the chamber; a circumstance which alone gave reason to hope that there would be constantly a proper choice of skilful men, as it might be reasonably expected that a state would send the most skilful men it could find to a tribunal which was the last resort for causes in which both the sovereign and his country were concerned. It was ordained by the statutes therein, that every person who was presented should undergo a trial of his abilities and integrity; and in case he was not found upon trial proper for the office, he was rejected." *

To assemble under one view the facts relating to the tribunal, though with considerable anticipation of time: — During the next two centuries, its seat was, at first, Frankfort; but it was successively transferred to Worms, Nuremberg, Augsburg, Ratisbon, Eslingen, Spires, and Wetzlar. Nor was its composition less varied. Originally, as we have seen, there was to be a grand judge and sixteen assessors: they were reduced to ten; but the full number was often restored. In 1648, so much had the business of this court accumulated, it was decreed that the grand judge should have five coadjutors, or presidents, with fifty councillors — nearly one half of the protestant communion. Of the catholic members (twenty-six) two were to be nominated by the emperor; two each by the electors of Mentz, Trèves, Cologne, and Bavaria; four by the circle of Bavaria †; two each by the circles of Burgundy,

* Putter, Historical Developement of the Political Constitution of the Germanic Empire, vol. i. p. 350.

Putter is one of the dullest of writers in a language proverbially abounding with them: he is of the true German school. And he has the rare felicity of being translated (the original is not before us) by one as dull, but not by one hundredth part so learned, as himself, "Josiah Dornford, of Lincoln's Inn, LL.D., of the University of Göttingen, and late of Trinity College, Oxford." This translation, in which there is scarcely a sentence of good English, appeared in 1790!

† For the origin of the circles, see hereafter.

Austria, Swabia, Franconia, Westphalia, and the Upper Rhine. Of the twenty-four protestant councillors, two each were presented by the electors of Brandenburg, of Saxony, and the Palatinate; four each by the circles of Upper and Lower Saxony, with the alternate addition of a fifth; two each by those of Franconia, Swabia, the Upper Rhine, and Lusatia, with the alternation of a third. But Germany was never liberal of its money; and this number, small as it was, when we consider the extent alike of territory and population, could not be supported. In 1720, the number of presidents was reduced to two, of councillors to twenty-five: but even they could not be paid; and it was found necessary to reduce the assessors to seventeen, of whom nine were Roman catholics. How lamentably inadequate this number was to the administration of justice, may be conceived, when we observe that even fifty had been found insufficient. For their support an assessment was levied on the empire, each state to contribute its quota; but, small as was the contingent of each, almost every one endeavoured to evade the obligation. The smaller states had, doubtless, some reason to complain; for they paid more than the electorates. Annually each state transmitted to the diet an account of its judicial expenditure. This expenditure, and the proceedings of the imperial chamber itself, had need of control; and in 1532 we first read of *visitations*. Each state, as summoned in succession by the archbishop of Mentz, returned its deputies to inspect the acts of the chamber; if need were, to modify or remove them, and to punish any officer, from the grand judge himself to the humblest functionary. So long as this system of annual visitation continued, there was a salutary check on the rapacity and tyranny natural to man; but, owing partly to religious differences among the visitors, partly to the expense of the commission, in 1582 it ceased. As might have been anticipated, the venality of the court knew, at least, no bounds; and on every side the complaints were so loud, that, in 1707,

an *extraordinary* visitation was decreed by the diet: it continued six years; but, though it removed innumerable abuses, no sooner was it dissolved, than they reappeared; and, in 1767, another extraordinary commission was issued for the same purpose.*

1465 to 1512. The efforts of the German legislators have seldom been characterised by much foresight. Though a new tribunal was formed, its competency, its operation, its support, its constitution, the enforcement of its decisions, were left to chance; and many successive diets —even many generations—were passed before any thing like an organised system could be introduced into it. For the execution of its decrees the Swabian league was soon employed; then another new authority, the Council of Regency. (Of this council we need only observe, that it was called into existence in 1500; that its avowed object was to administer the affairs of the empire during the absence of the sovereign and the intervals between the diets—its real one, to control him and supersede his authority; that it consisted of twenty councillors, nominated by the electors; that it was suffered to expire in two years, chiefly through want of the funds necessary for its support.) But these authorities were insufficient to enforce the execution of the decrees emanating from the chamber; and it was found necessary to restore the proposition of the circles, which had been agitated in the reign of Albert II. The circles, indeed, originated in a twofold view,—that they might return deputies to the short-lived council of regency, no less than execute the fiats of the chamber. Originally they comprised only—1. Bavaria, 2. Franconia, 3. Saxony, 4. the Rhine, 5. Swabia, and 6. Westphalia; thus excluding the states of Austria and the electorates. But this exclusion was the voluntary act of the electors, who were jealous of a tribunal which might encroach

* Mascovius, Principia Juris Publici Imperii Germanici, p. 610, &c. Putter, Historical Developement, ubi suprà Pfeffel, Abregé Chronologique de l'Histoire et du Droit Public d'Allemagne, tom. ii. p 62, &c. Harpprecht, Kammergerichts Archiv, part ii. p 206, &c. Schmidt, Histoire des Allemands, tom. v. p. 373, &c.

on their own privileges. In 1512, however, the opposition of most appears to have been removed; for four new circles were added. 7. The circle of Austria comprised the hereditary dominions of that house. 8. That of Burgundy contained the states inherited from Charles the Rash in Franche-Comté and the Netherlands. 9. That of the Lower Rhine comprehended the three ecclesiastical electorates, and the Palatinate. 10. That of Upper Saxony extended over the electorate of that name and the march of Brandenburg. As on the preceding occasion (1500), Bohemia and Prussia, then held by the Teutonic knights, refused to be thus partitioned. Each of these circles had its internal organisation, the elements of which were promulgated in 1512, but which was consideraly improved by succeeding diets. Each had its hereditary president, or director, and its hereditary prince convoker, both offices being frequently vested in the same individual. A glance at the system in the time of its greatest perfection, the eighteenth century, will enable us to comprehend its nature. The two circles of Austria and Burgundy, as consisting of states belonging to the house of Austria, had neither president nor convoker, other than the chief of the house. The circle of the Lower Rhine had for its director and prince convoker the elector of Mentz; Upper Saxony had its own elector; Franconia had the bishop of Bamberg, conjointly with the margraves of Brandenburg, Anspach, and Bareith; Bavaria had the elector* and the archbishop of Saltzburg; Swabia had the duke of Wurtemburg, conjointly with the bishop of Constance; the Upper Rhine had the bishop of Worms and the elector palatine; Westphalia had the bishop of Munster and the electors Palatine and of Brandenburg, as heirs of the house of Juliers; Lower Saxony had the elector of Brandenburg, as duke of Magdeburg, the elector of Brunswick, as duke of Bremen. Each circle had its military chief, elected by

* In the eighteenth century some changes had taken place in the number and qualifications of the electors—changes which will be noted in the proper place.

the local states, whose duty it was to execute the decrees of the Imperial chamber. Generally this office was held by the prince director; but every noble who held a patrimonial fief was, if a German by birth, eligible to it. The proceedings of the Imperial chamber were to be based on the common law of Germany, except in cases for which that law contained no provision. It is, however, certain, that the Roman law had made such progress, that it could not possibly be arrested by any resolution of a diet. It was fostered by the emperor; it was perpetually applied by the jurists and councillors of the empire; and, in some states, it was employed to the exclusion of every other code.*

1501 to 1518. The establishment of the Imperial chamber was, as we have before observed, disagreeable to the emperor. To rescue from its jurisdiction such causes as he considered lay more peculiarly within the range of his prerogative, and to encroach by degrees on the jurisdiction of this odious tribunal, Maximilian, in 1501, laid the foundation of the celebrated Aulic Council. But the competency of this tribunal was soon extended; from political affairs, investitures, charters, and the numerous matters which concerned the Imperial chancery, it immediately passed to judicial crimes: —

"Thus, in 1502, it happened that on the application of the city of Cologne, the elector received a citation from the aulic council to appear at the emperor's court, and answer the accusations of the city. The question here naturally arises, — Whether cases of law could be brought before an aulic council, established at the emperor's court by his own authority, when the imperial chamber was once established by the emperor and empire, as the only supreme tribunal of its kind? and whether, therefore, in a lawsuit, if a summons was issued by the aulic council, it was the duty of an imperial state to appear? At the instance of the elector of Cologne, all the electors at that time (1502) directly and all the princes ever afterwards, took up the matter seriously. They requested the emperor to abolish the

* Harpprecht, Kammergerichte Archiv, pp 206—214. Müller, Kammergerichtfordnung, pp. 322 380. 423, &c. Pfeffel, Histoire, tom. ii. p. 96. Putter, Historical Developement, vol. i. book iv. chap. 1. Schmidt, Histoire, tom. v. p. 373, &c.

new tribunal, which his majesty alone had erected; and that the regulations of the imperial chamber, which had been once agreed upon, should be left as they were. Notwithstanding this, parties whose suits properly belonged to the imperial chamber, did not desist from making all sorts of applications to the emperor's court, sometimes to get their causes decided with greater expedition, stopped in their progress, or referred to a committee, &c. The recess of the empire of 1512 expressly mentions, that the number of writs and causes brought before the emperor's court was daily increasing." *

By an imperial edict of 1518, the aulic council was to consist of eighteen members, all nominated by the emperor. Five only were to be chosen from the states of the empire, the rest from those of Austria. About half were legists, the other half nobles, but all dependent on their chief. That he should make use of whatever tribunal he pleased for the administration of his hereditary dominions, was acknowledged by the states; but when he laboured to make this council as arbitrary in the empire as in Austria, he met with great opposition. The representations, however, of the indignant princes were not likely to influence Maximilian, whose council gradually acquired reputation and therefore strength. Soon it had the courage to evoke before it the causes actually pending before the Imperial chamber: and the emperor justified the innovation by observing that he was constitutionally the head of the judicial administration, and that he could defend his rights. Such language would not have been held by his predecessor; but the times when an emperor could be deposed were past; and he well knew that where he had no occasion for the money of his people, he might stand as firm as he pleased. All, indeed, had the humiliation to perceive, and many had the candour to acknowledge, that, if the imperial chamber were allowed to proceed unchecked, it must soon absorb within its vortex the whole power of sovereignty. Hence none were sur-

* Josiah Dornford's translation of Putter's Historical Developement, vol. i. p. 359.

prised, while the more patriotic were pleased, that Maximilian had the spirit to defend his authority. But his purpose was that of encroachment no less than of defence; and his example was so well imitated by his successors, that in most cases the aulic council was at length acknowledged to have a concurrent jurisdiction with the imperial chamber, in many the right of prevention over its rival. To this subject, however, we shall revert in the sequel of the present compendium.*

But there is another tribunal to be noticed in connection with the preceding: —

"Another mode by which the electors procured justice of each other, or others obtained it from them, and which was particularly mentioned in the statutes of the imperial chamber as a custom of very ancient date, was the *Austrag*, or arbitration of a third prince, — a custom which had been attended with happy consequences in adjusting disputes amongst the princes, even in the troublesome times when private wars usurped the place of regular courts of judicature. To reject this method of obtaining justice entirely, and suffer the future princes of the country to depend solely upon the uncertain success and stability of the imperial chamber, was thought too dangerous a resource to be adopted at its first institution; which was sufficiently justified so early as the years 1500 and 1502, when the proceedings of the imperial chamber were several times totally stopped. Many agreements, moreover, had been already made, that disputes should in future be referred for decision, by the parties concerned, to such austregues or arbitration. It was a dangerous matter either to annul such agreements as these, or make any general alteration. The principle was immediately adopted, therefore, and inserted in the statutes of the chamber, that those princes who had admitted the conventional austregues amongst each other, should punctually observe their respective agreements. Others, likewise, amongst whom no such agreements had been made, found their advantage in the custom of a defendant being obliged to consent to the cause being referred to a third person for decision, on the application of the plaintiff. This practice had been hitherto founded merely upon ancient usage; but it was converted now into an established law, that a prince against

* The same authorities.

whom any accusation was brought, should be obliged to answer in the term of four weeks, at the suit of his accuser. It made some difference, indeed, whether a prince was accused by a person of equal rank, or by his inferior. In the first case, the defendant was to propose four princes, for the plaintiff to make choice of one; in the other case, the defendant prince was to appoint five noblemen and four professional lawyers from his own council to try the cause, who were on that account absolved from their oaths of fealty, that no consideration might prevent their delivering a faithful verdict. Thus, the *legal* austregues, as they are called, to distinguish them from the above-mentioned gewill-kuhrten, or conventional austregues, were established by law; whereas, before, the practice was merely founded on custom. Where this right of appeal has been once obtained, neither of the two sorts of austregues were to be passed over in future. The only regulation made in respect to this species of tribunal was, that the austregues should be considered in the same light as a commission from the emperor, by virtue of a general and perpetual power granted in the first statutes of the imperial chamber, which was to be valid for all austregues in future. Hence, an advantage accrued, that an appeal could now be made from the austregues to the imperial chamber, in the same manner as from any other commissioners to the persons who appoint them: whereas, formerly, there was no appeal from these arbiters whatever. There was now, therefore, a formal resort to the court of austregues, perfectly consistent with the new system established in the administration of justice by the institution of the imperial chamber. According to this regulation, the chamber became a tribunal which, in general, only pronounced in the highest and last resort on the mediate members of the empire, when any one felt himself aggrieved by the ordinary courts of judicature of his own country; and on immediate members, when appeal was made from a court of austregues, and no causes were taken cognisance of in the first resort, or the first institution of it, but such as concerned a breach of the public peace, — such exceptions, as where a prince may have an action brought against him in the first resort, at the imperial chamber, occur several times: otherwise it is a standing rule that electors and princes cannot be sued in the chamber before resort has been first had to a court of austregues. In one respect, it is a very advantageous circumstance to both parties, that they need not be satisfied with a single resort; but when a verdict has been unfavourable to one, the person who thinks himself aggrieved may carry his cause through the forms of a second resort, where it may appear, perhaps, in a different point of view to

the parties themselves, or their advocates, from that in which it appeared at first."*

Efforts were made by successive sovereigns to procure the abolition of this court of austregues; but it was founded on a principle too deeply interwoven with the national jurisprudence, too consonant with the national customs and habits of thinking, to be removed. The institution was, in fact, good,—for such assuredly was any thing which tended to promote the administration of justice.†

The reign of Maximilian I., it has been truly said, forms the most important era in the history of the public law of Germany. From it must be dated most of the remarkable features which, down to our own times, have characterised the constitution of the empire:—

"The advantages arising from the more accurate regulation of the resort to austregues, and the institution of the imperial chamber, were already very considerable: a direct way was opened thereby for every one to obtain his right from a state of the empire, whether he was powerful or not. Another advantage, likewise attending the institution of the chamber, which was of no less importance, was, that the states had it now in their power to place the administration of justice upon a permanent footing in their respective territories. Hitherto, not only the right of private war, which encouraged self-defence amongst the mediate members of the empire, tended to obstruct it; but it was very natural, likewise, that the judicial proceedings of the inferior courts could not accomplish their end, as long as disorders prevailed in that tribunal, which was the highest resort of all, and to which every one had a right to appeal. Of what avail was it, therefore, for a state of the empire to have the best judicial institutions possible in his territory, if the sentence pronounced might be deprived of its efficacy by means of an appeal, where there was no legal method of execution? This was, doubtless, one consideration, which at last made most of the imperial states more earnestly

* Id vol. i. p. 361.

† Authorities:—Pfeffel, Histoire d'Allemagne; Schmidt, Histoire; Harpprecht, Kammergerichte Archiv; Muller, Kammergerichtfordnung; Putter, Historical Developement, &c.

wish for a universal public peace, and the establishment of a supreme tribunal of the empire, especially as they had already had sufficient enjoyment of all the advantages which the right of private war could possibly afford them. In short, experience soon taught them, that, in all judicial proceedings, where one resort must be subordinate to another, a reformation was not so easily effected by beginning in the inferior courts, and proceeding upwards, as by properly regulating the supreme tribunal at first.

"As soon as the imperial chamber was once in order, every imperial state might expect that the establishment of substantial courts of justice, in their own countries, would be attended with more favourable consequences. In order to render the imperial chamber as perfect as possible, it is certain that no state neglected to contribute its part in proposing the necessary laws for it; because every one must have considered this court of judicature as a tribunal before which both he and his subjects were liable to be judged in the highest and last resort. What was more natural, than that every imperial state who wished to place the administration of justice on a more substantial footing, should imitate the imperial chamber, which he considered as the most perfect pattern of its kind, to establish a similar s upreme tribunal in his territory? This was the case in almost all the electorates, principalities, and counties in Germany; so that, sooner or later, an aulic court, as it is called, was erected, which might be considered almost a copy of the imperial chamber. The latter was established with the concurrence of the states of the empire. In the aulic courts, the provincial states took nearly a similar part, not only by giving their consent to the regulations which were made, but in a great measure by contributing to their maintenance, and appointing some of the assessors. The imperial chamber consisted of a judge and several assessors; an aulic court was composed of a judge and several assessors likewise. The judge of the imperial chamber ought to be a person of high nobility; so, likewise, the judge of the aulic court must at least be of inferior nobility, &c.

"Many of the statutes of the aulic courts were almost literally copied from those of the imperial chamber *; and, afterwards, most of the improvements made in the latter were adopted in

* "This subject is treated of at large by the following authors:—James Gottlieb Sieber, On the Utility of acquiring a Knowledge of the Process in the Imperial Chamber, proved by the Statutes of different Aulic Courts. Gottingen, 1760. Will. Aug. Rudloff, on the Similarity of the German Aulic Courts of Justice to the Imperial Chamber. Bützow, 1770. Bernard Gottlieb Helder Hellfeld's History of the Aulic Courts in Saxony, particularly that of Jena. Jena, 1782."

the former. Many of the imperial states thought themselves fortunate if they could get persons who had been employed for any length of time at the imperial chamber, as assessors, or only as advocates, into their service, that they might be capable, from their experience in the highest tribunals, of assisting in forming the statutes of the court, and contributing to regulate the administration of justice. Thus, for instance, Joachim Mynsinger, a celebrated assessor of the imperial chamber, was appointed, in the year 1555, chancellor by the house of Brunswick; by which he procured the greatest influence in the acts of legislation of those times, which still form the basis of the courts of judicature in the Brunswick dominions.

"This was so common, that the aulic court likewise of the emperor was imitated by most of the courts of the states, as well as the imperial chamber. The affairs of government and revenue were no longer, as formerly, committed to the inspection of individuals; but particular aulic councils, or colleges of regency and finance, were established for those purposes, in imitation of the courts at Vienna. Another consequence was, that in many places the aulic councils, or colleges of regency, began gradually to take cognisance of matters of justice; as, even now, such a joint jurisdiction may be observed, in many places, of the aulic court and the government itself. Where the aulic courts have continued in possession of the jurisdiction alone, it is generally a proof that the provincial states were properly on their guard, to prevent the courts in which they were concerned, from being eclipsed by other colleges which were solely dependent on the territorial lord.

"The courts of judicature resembled the imperial chamber in this respect; that, though they were designed as the first resort for the provincial states, they were at the same time the courts of appeal for all the inferior tribunals, which took cognisance of the causes of the burghers and peasants.

"But a considerable alteration was made likewise in these courts; as the proceedings were regulated according to the rules of the canon and civil codes, not only in the towns, but in the country, where formerly the courts of justice for the peasants, only judged according to usage and common sense; or else the owner of the estate accommodated disputes, or punished offences among the peasants by personal interference, or by means of his bailiffs or stewards. The princes now appointed only such bailiffs* in their bailiwicks and domains,

* "In German, the word AMPTMAN is used, which implies a kind of superior bailiff, who not only takes care of the estate, but has the jurisdiction of the district; for which reason they are generally persons who have

who had studied, and had a knowledge of the laws. According to this example, the owners of free estates soon saw themselves obliged to employ justices who had studied likewise, unless they were disposed to suffer the officers, who properly belonged to the sovereign of the country, to exercise jurisdiction in the villages on their estates. Thus, to the great advantage of the German nobility, a right which had hitherto formed only a part of their power as lords paramount, was converted into a formal jurisdiction annexed to their estates, and generally distinguished by the name of a patrimonial jurisdiction (ERBGERICHTBARKEIT), from what was otherwise merely termed a jurisdiction, which was considered as a part of the supreme power, or as a right conferred by it upon some other person.

"For all these judicial institutions, there was an important order contained in the first statutes of the imperial chamber, that every subject should be left to his own ordinary tribunal. Till then it had been the law, that if an imperial state possessed the jurisdiction over his subjects, it should not exclude the jurisdiction of the emperor. It was considered perfectly as a matter of choice, whether a plaintiff would accuse the defendant, if he was the subject of an imperial state, before his own tribunal, or in the courts of justice belonging to the emperor. Many of the imperial states had already occasionally sought to remedy this, by procuring exemption from citation from the emperor (*privilegia de non evocando*), and the golden bull had already granted a general exemption (*jus de non evocando*) to all the electors. Before this, it had been the common rule, till the above-mentioned ordinance of the chamber now first made it the particular prerogative, of all the states of the empire.

"In the succeeding years, this privilege was not merely made use of in the administration of justice: for, according to the former constitution of the empire in the middle ages, it was admitted that the territorial rights of supremacy vested in the imperial states, did not exclude the concurrence of the emperor; as, for instance, the choice always remained of procuring an exemption from taxation, or a privilege of any other kind, either from the territorial lord or from the emperor. As soon as the emperor's joint power in the administration of justice, which was one of the most important objects of the supreme power, was once abolished, means were soon found, without waiting for any further express laws upon the sub-

studied law at a university; and, in the king's Hanoverian domains, frequently noblemen, who, in that case, have the title of DROST, i. e. seneschal, instead of AMPTMAN."

ject, to exclude the emperor's concurrence from every other part of the power vested in the territorial lord; so that, at present, in all matters which appertain to the power of a territorial lord, the emperor is, for the most part, excluded from all concurrence whatever.

"Another important consequence attended the institution of the imperial chamber. The practice of the Justinian code of laws was established without further hesitation, as the imperial common law. Not, as many imagine, that it was at this time first adopted by the emperor and the empire, in the same manner as the laws of Lubeck have been adopted by many other towns, or as every state is at liberty to adopt the new Prussian code in its territory, on account of its intrinsic value. By no means! The matter was not at all considered in this point of view, as if it was necessary for the Roman law to be now first adopted in Germany; but Germany was considered as the Roman empire itself, or at least as a part of it; and the emperor Justinian as one of the predecessors on the throne, both of the emperor Maximilian, and of all the former emperors who had resided, since the days of Justinian, either at Constantinople or at Rome. When it was inserted in the oath, therefore, which was prescribed to the assessors of the imperial chamber, that they should judge according to the common law, there was no idea of a new adoption of the Roman law; but it was considered as a thing already acknowledged, that the two codes, which were indebted to the popes and emperors for their authority, were the common law of the Roman empire, and, therefore, the common law of Germany.

"This, however, did not totally exclude the practice of the municipal laws of the country. Notwithstanding the power which the Roman law acquired in Germany, there were still some laws which universally prevailed before, and could not be supplanted; such, for instance, as that treaties were valid without the ceremonies stipulated in the Roman law, and that family hereditary compacts were not inadmissible. These, however, were considered at that time as particular customs of Germany, in the same manner as particular countries or places in the ancient Roman empire might have had their peculiar customs; or, when any thing was ordained by a new imperial, which differed from the Roman law, there was supposed to be the same relation between them, as between the ancient Roman laws and those of Justinian. This relation was carried so far, in the representation then made of it, that in matters of great importance in the public law of Germany, they made no scruple of referring to the times of the ancient

emperors at Rome and Constantinople, and applying every thing which they had a right to do to the emperor of Germany, as if he had been the very next successor to the government."*

But, zealous as were the efforts of Maximilian, and of the diet, to reform the administration of justice, let it not be supposed that they were at once, or even for a long time, successful. Thus, of private war we find instances towards the very close of his reign. How much more powerful the national manners than laws is proved by the complaint of the diet in 1512, "that the people secretly fell on one another, blinded, carried off, imprisoned, sold, or even assassinated one another." The chief difference was, that what had been hitherto exercised openly, was now practised in darkness,—a difference not very favourable to the modern times. It was deeply regretted by some, who contended that the old honest wisdom of Germany was replaced by a mean, dastardly cunning. Instances, however, occurred, which proved, that even the menaces of a diet were not always sufficient to restrain from open depredation. In 1513, Götz of Berlichingen declared war against the city of Nuremberg. With 170 men he waylaid the merchants returning from Leipzig, plundered them of all they had, and consigned many to his dungeons. The imperial Charles placed him under the ban of the empire, and sentenced him to pay 14,000 florins. With difficulty the money was collected, and the offender was restored to his civil rights: — but what could be expected from a people whose ferocity was yet untamed? Instances of cruelty, indeed, occur in the histories of France, of Scotland, of England, sufficient to make us shudder; yet we know not that any can be compared with those of the empire. To bury people alive, to boil them in oil, to pluck out the eyes, to pierce the cheeks with a red-hot iron, were, if not sanctioned by the laws themselves, at least inflicted by those who had the admi-

1512 to 1519.

* Putter, Historical Developement, vol. i.

nistration of the laws. Duke Ulric of Wurtemburg roasted one of his council, a man of family, at a slow fire; and at length, by pouring brandy over him at the spit, consumed him to ashes.—Yet we must not shut our eyes to the evident fact, that in the reign of this emperor the nation entered on the vast career of improvement; and that, if wars were necessary to develope its faculties, some praise is due to those who devised its improvement. Nor must we forget to award Maximilian the praise of having prevented more violations of the public tranquillity than any of his immediate predecessors. That tranquillity was never in greater jeopardy than when, on the death of George the Rich, duke of Bavaria, of the Landshut branch, his son-in-law, Robert count palatine, openly seized that important fief. Assembling the diet, Maximilian, with the advice of the electors, princes of state, adjudged most of the vacant division to duke Albert of Munich, as the nearest male agnate to the oldest line of Bavaria, reserving some lordships to the posterity of count Robert and his consort. Though a civil war followed, it ended in the triumph of the legitimate order of succession, and in that of the sovereign authority. Nor was the emperor insensible to the humiliation sustained by his cousin, in regard to the necessity of his consecration by the pope before he could assume the imperial title. Though he was prevented from visiting Rome to receive the rite from Julius II., he obtained a papal bull, which declared him *emperor elect*, and which authorised his successors to use the same title, until they should be formally crowned by the reigning pontiff. And even in the measures which he took to aggrandise his own family, he best consulted the interests of the Germanic body. Anxious, like his immediate predecessor, to bring into his house the crowns of Bohemia and Hungary, in 1515 he demanded and obtained an interview with the sovereigns of those kingdoms. Ladislas of Hungary was still the acknowledged king of Bohemia; but he had entrusted the government, with the regal title, to his son Ludovic, and

taken up his own abode in Hungary. A double marriage was arranged. Ludovic received the hand of the archduchess Maria, grand-daughter of Maximilian; while that of Anna, only sister of Ludovic, was conferred on the archduke Ferdinand, son of Philip, husband of the heiress of Spain, and brother of the celebrated Charles V.* That this latter union answered its purpose, we shall have occasion to relate in the next reign. The progress, indeed, of the house of Austria during the life of Maximilian, is striking. In his infancy he had the mortification to see the princes of his family disputing for its diminished provinces, which were, moreover, the incessant prey of Hungarians and Turks; and its reputation darkened throughout the empire: in his latter years he could boast that his own name was uttered with respect; that his house was regarded as the sovereign one of Germany; that Bohemia and Hungary, the objects of so much solicitude to his predecessors, were more effectually brought within the range of his ambition; that the Low Countries were added to his hereditary states; that his grandson Charles filled the throne of Spain. The consolidation of his own power was that of the empire. To place both on a surer foundation, he introduced many improvements into the military system. In fact, he is the creator of German discipline. He was the first to establish a standing army, with infantry and cavalry: he divided both into regiments, and subdivided them into companies, each under a chief who had studied war as a science: and he so far improved the artillery, that he may almost be hailed as its founder.†

Before we conclude the present chapter and volume, we will advert to the state of religion in Germany at the death of Maximilian; and our observations will be an appropriate introduction to the history of the Reform-

ation in the ensuing volume. We are approaching a period which will be remembered by the latest posterity for the religious revolution it witnessed, — a revolution that not only altered the character of the Germanic constitution, and even of Germanic society, but shook all Europe to its foundations. To explain, without partiality, the causes, nature, and consequences of that revolution, is an arduous attempt, — arduous, from the difficulty of wholly divesting the mind of some latent bias; of separating and analysing concurrent causes, assigning to each its just influence; and of concentrating the widely-scattered specks of light obscured by the accompanying rubbish. From a conviction that no writer, catholic or protestant, infidel or Christian, has done justice to the subject, we approach it, in the present and succeeding chapter, with awe. We are, however, actuated by the most honest intentions; and we deliberately make the pledge, not, *knowingly*, to suppress, or deny, or distort, or in the slightest degree to discolour, a fact, either in favour of our own, or in prejudice of the Roman catholic, religion.

Whoever has read the preceding chapters of this compendium will be at no loss to understand the position and character of the Germanic church. By way of summary, we may observe, that the rival pretensions of the empire and the priesthood had, from the time of the Carlovingians, disturbed the public tranquillity; that the ascendancy of the latter had been favoured not merely by considerations purely religious, but by the impolitic notion that its sanction was necessary before any prince could assume the imperial title; that, on his side, the emperor, in virtue of the authority claimed by Charlemagne, whose rights he had inherited, aspired to a jurisdiction over Rome itself, to render it as much dependent on him as any city of Germany, and the clergy of Italy no less so than those of Swabia or Franconia; that, as one potentate regarded the emperor in the light of his own creation, — even the kingdoms of the world divinely subjected to him as Christ's vicar on earth;

and as the other beheld in the pope a bishop who had been humbly dependent on the Roman emperors, and who ought to be equally dependent on him their successor, perpetual hostility was inevitable; that this hostility was exhibited, sometimes in disputing for the right of investiture, sometimes in instigating neighbouring princes to fall on each other; that though by successive concordats attempts were made to settle the jarring interests of both, though the subject of investitures was less dissatisfactorily arranged than could have been expected, neither abandoned his ultimate claims, while the minds of both were exasperated by the opposition of ages; that a great cause of discontent lay in the vices, in the worldly pomp, the endless rapacity, the incessant ambition, the religious indifference, of the clergy themselves, whose conduct, being as disreputable as their civil claims were insulting, rendered them odious to the Germanic nation, in a degree unknown in any other country. If this description of the clerical body, and character of the clerical head, depended only on the exaggerated statements of the reformers, it might be viewed with some caution; but scarcely is there a distinguished catholic writer, from St. Bernard, and indeed long before St. Bernard, to our own times, who does not admit the fact. In addition to the testimony we have so frequently adduced in the preceding chapters, we will advert to that of one who, as he was in direct collision with the protestants on the magnitude of the abuses in question, will not be suspected of exaggeration.

"Many ages had elapsed," says Bossuet, "since the reformation of ecclesiastical discipline was demanded. 'Who,' says St. Bernard, 'will enable me to behold, before I depart hence, the church of God such as she was in her early days?' If this holy man had, in his dying moments, one subject of regret more bitter than another, it was that no such happy change had taken place. During his whole life he grieved over the evils of the church. He never ceased to expose them to the people, to the clergy, to bishops, to popes themselves; he exposed them even to the monks, who like him bewailed them in solitude, and who in proportion to the magnitude of those

evils, praised the divine goodness which had withdrawn them from the world.* In subsequent times the disorder increased. The church of Rome, the mother of all churches, which during nine centuries had observed a salutary discipline with exemplary care, which had maintained it throughout the world with all her power, was not exempt from the evil. As early as the council of Vienna, a great bishop who had been charged by the pope to prepare the subjects that were to be brought before it, laid, as the foundation of its labours, *the necessity of reforming the church in its head and in its members.* The great schism which shortly followed† rendered this maxim common in the mouths not only of individual doctors — of a D'Ailley, and other great men of the times, — but of councils; it meets us every where, — in the council of Pisa, as in that of Constance.‡ What happened at the council of Bâle, where the reformation was unfortunately eluded, and where the church was replunged into new divisions, is well known. The disorders of the clergy, especially that of Germany, were forcibly represented by cardinal Julian to Eugenius IV.: "they excite the hatred of the people to the whole ecclesiastical order; and unless they are corrected, we may apprehend, what, indeed, is openly menaced, that the laity will imitate the Hussites by falling on the clergy.' He predicted that, if the Germanic priesthood were not speedily reformed, though the Bohemian heresy might be subdued, another and a greater one would rise in its place: 'few men,' he added, 'will say that the clergy are incorrigible, and will not remedy its own disorders. We shall be assailed when there is no longer hope of amendment. The minds of men are in expectation of what will be, and they seem resolute on effecting some tragic catastrophe. The rancour which they bear us is manifest; and soon they will believe that in despoiling ecclesiastics, odious alike to God and man, and plunged in the last corruption, they are offering a sacrifice agreeable to Heaven. The little attachment which yet subsists towards the ministers of the altar, will entirely disappear. The whole blame will be cast on the court of Rome, which is regarded as the cause of every thing evil, because it has neglected to apply the proper remedies.' In the sequel he assumes a bolder tone: 'I perceive the axe is at the root; the tree begins to incline; and, instead of sustaining its crest, as we still might do, we drag it to the earth. Body will prevail with soul. As usually happens to those who are doomed to perish, God blinds us to the peril; the fire is before us, yet we hasten towards it.'"

* See Europe during the Middle Ages, vol. ii. p. 285.
† Ibid., vol. i. book i. chap. 2. ‡ Ibid.

"There existed in Germany," says another eminent writer *, "a very prevalent feeling of disaffection to the see of Rome. The violent contests between the popes and the emperors in former times, had left a germ of discontent which required but little aid to shoot into open hostility; and the minds of men had of late been embittered by frequent but useless complaints of the expedients devised by the papal court to fill its treasury at the expense of the natives. The chief of the German prelates were at the same time secular princes; and, as they had been promoted more on account of their birth than of their merit, they frequently seemed to merge their spiritual in their temporal character. Hence they neglected the episcopal functions; the clergy, almost free from restraint, became illiterate and immoral; and the people, ceasing to respect those whom they could not esteem, inveighed against the riches of the church, complained of the severity with which the clerical dues were exacted in the spiritual courts, and loudly called for the removal of many real or imaginary grievances, which arose from the demands of the popes and the exercise of the episcopal jurisdiction, and which for many years had been the subject of consultations, of remonstrances, and even of menaces."†

Of the specious expedients to which allusion has been made, none seem so odious and so wicked as *the sale of indulgences*, which, as it was the immediate cause of the Reformation, deserves to be explained. Respecting the nature of these indulgences, there has been some dispute, even among the Roman catholics themselves; nor need this surprise us, as no competent authority in the church decided on their nature, or the extent of their application:—

"It is well known that the ancient church visited with peculiar severity the more flagrant violations of the divine law; and that such punishments were occasionally mitigated by the 'indulgence' of the bishops, who, in favour of particular penitents, were accustomed to abridge the austerities enjoined by the canons, or to commute them for works of charity and exercises of piety. When Urban II. in the

* Lingard.

† Bossuet, Histoire des Variations, tom. i. liv. 1. Lingard's England, vol. iv. p. 104. Beausobre, Histoire de la Réformation, tom. i. liv. 1. Maimbourg, Histoire du Luthéranisme, tom. i. liv. 1. Schmidt, Histoire, tom. vi. liv. 8. chap. 3. Mosheim, Historia Ecclesiastica, cent. xvi. sæc. 1. chap. 2.

council of Clermont called upon the Christian nations to emancipate Jerusalem from the yoke of the infidels, he offered to the adventurers 'a plenary indulgence;' that is, he enacted that all who, having confessed their sins with true repentance of heart, should engage in the expedition, should be exempted, in consequence of the labours and dangers to which they voluntarily exposed themselves, from the ceremonial penance to which they were otherwise liable. Two centuries later, in the council of Lyons, the same indulgence was extended to those who, unable to join the crusade in person, should by voluntary donations contribute to its success."*

This is the only rational, as it was doubtless the ancient, notion of indulgences; but that some theologians have given a much more extensive meaning to the word is equally indisputable:—

"The faith of the catholics has always been, that the Son of God has conferred on his church the power of relieving the penitent sinner, not only from the bonds of his sin by the merits of Christ's passion applied to him in the sacrament of penance, but also from the punishment which he would suffer either in this world or the next, as a satisfaction to the divine justice for the offences committed after baptism. This is called *indulgence*, and it is never given except as a full satisfaction to God through the infinite merit of Christ's sufferings, which are offered to him as payment of the debt. Hence St. Paul, at the request of the Corinthians, remitted to the incestuous men whom he had excommunicated the remnant of the penalty incurred for the crime; hence the bishops of the earliest ages gave peace to apostates, and reconciled them to the church by abridging the time of the criminal penance through the intercession of martyrs, and in virtue of their sufferings, joined to those of the Saviour of the world who rendered them precious in the sight of God. This custom, which always revived in the church after persecutions, is authorised not only by the ancient popes, as St. Gregory, and, as St. Thomas observes, Leo III., but by the councils of Nice, Ancyra, and Laodicea; by that of Clermont, where indulgences were held out to the crusaders; by those of Lateran, Vienna, and Constance. In exposing this dogma of faith, Clement VI., in a decretal generally received by the church, declares that Christ has left us an infinite treasure of merits and satisfaction, arising from his own passion, from the Blessed Virgin who was innocence itself,

* Lingard's England, vol. iv. p. 95.

and from the saints, who by their voluntary penance or by martyrdom have atoned for sins remitted in the sacrament of penance in a degree much beyond the penalty which they had incurred; and that the pastors of the church, especially the popes, who are the sovereign dispensers of this treasure, can apply it to the living by the power of the keys, and to the dead by way of suffrage, to deliver them from the chastisements due to their sins, by offering to God so much of the treasure as is necessary to satisfy the debt."*

Hence Lingard and Maimbourg are the representatives of two distinct classes of theologians,—the former declaring that an indulgence is the mere remission of the temporal penance denounced by the canons on certain offenders; the latter, that it remits the sin no less than the penalty, that it releases from the torments of purgatory no less than from the ecclesiastical censures of this world. It is, however, but fair to observe, that the former opinion obtains at this very day, as, indeed, it has always obtained, the most learned, the most acute, and the most numerous supporters. When Luther assailed the doctrine of indulgences, by contending that no priest, not even the pope, had power to remit sin; that neither could for a moment abridge the torments of purgatory; that indulgence was neither more nor less than a remission of the temporal penance, he advanced nothing but what had long before been advanced, nothing but what has since been advanced, by the most eminent theologians of the church,—by men who were never reproached with heresy. Several fathers of the church openly declared their hostility against those who granted such indulgences with too great facility, or imputed to them a virtue beyond that which they legitimately possessed. Hence St. Cyprian complains of three distinct abuses—that confessors granted their letters of grace, without the necessary discernment; that bishops granted indulgences with too much ease; that simple priests had the presumption to confer what was the exclusive privilege of the bishop. That the system, in-

* Maimbourg, Histoire du Luthéranisme, tom. i. p. 4.

directly, at least, led to laxity of conduct, cannot be disputed; nor can we be surprised at the zeal with which Novatian, and even Tertullian, assailed it altogether; at their contending that no indulgence should, on any pretext, be granted. This, however, was an error; for if all who are ever subject to a canonical penance are to be treated alike; if no distinction be made between the sluggish and the active, between the zealous and the indifferent; if in all cases the penalty when once imposed is to be literally exacted, adieu to the best incentives of virtue—nay, adieu to religion itself; for human nature will not long support rigorous restrictions; and the church which exacts them will be itself forsaken for the haunts of vice. But the zeal of Tertullian and Cyprian was laudable, and in general their view of the subject was sound. Well does the former reason, that as Christ has made satisfaction for sins, so he alone has power to pardon them; that the servant cannot pardon an offence committed against the sovereign; that facility of indulgence, so far from effacing sin, inspired a self-confidence fatal to the hope of forgiveness. Nowhere, however, does he say that the priest had not the power of *declaring* the forgiveness of sins, since that power he could not fail to regard as implied in the last solemn address of our Saviour to his disciples. What he meant to convey was, that supposing purgatory to exist, the church had received no jurisdiction over it any more than over hell itself; and that no excommunicated person, none subject to exclusion from a certain definite period, ought, before the expiration of that period, to be re-admitted into the bosom of the church.*

Whatever might be the sentiments of the ancient church respecting the nature and extent of indulgences, whatever the abuses which a false conception of their application favoured, one thing is certain, that in the sequel these indulgences were most perniciously multiplied, that these abuses were intolerable. "As often as

* Lingard and Maimbourg, ubi suprà. Tertullian, De Pudicitiâ, lib. i. cap. ult. Cyprianus, De Lapsu, Ep. 16. 21, &c. For a fuller and more satisfactory view of indulgences, see the Appendix.

money was required for an object really or apparently connected with the interests of religion, they were offered to the people; and as men give with less reluctance when they are left to their own option, than when they are compelled by force, the expedient generally succeeded. But abuses of two kinds sprang out of the practice:—1. The money was frequently diverted from its original destination, and found its way into the private coffers of the pontiff, or into the treasuries of the secular princes. 2. The office of collecting the contributions was committed to inferior agents, called *questors*, whose interest it was, as they received a percentage on the amount, to exaggerate the advantages of the indulgence, and to impose on the simplicity and credulity of the people. It is indeed true, that to prevent such abuses severe constitutions had been enacted by several popes; but these laws were either not enforced, or had fallen into disuse; and those who bewailed the evil saw little hope of a remedy from pontiffs who seemed to have forgotten their spiritual character in their endeavour to free Italy from the dominion of strangers, and to aggrandise at the same time their respective families."* To rear the magnificent edifice of St. Peter's, Julius II. published an indulgence in Poland and in France: with the same view, Leo X. extended it to the northern provinces of Germany. The abuses of the questors are described in odious and indignant colours by contemporary writers. Assuredly they did not merely teach that the purchasers might eat meat on the days of abstinence, might choose such confessors as they pleased, might escape the canonical penalties incurred by their offences in this world: they clearly taught, that the money thus bestowed would redeem souls from purgatory; and, not satisfied with recommending, they forced the spiritual nostrum on those who were unwilling to buy it.† Their artifices, it has been

* Lingard's History, vol. iv.

† "Nunc passim venditur purgatoriæ carnificinæ remissio, nec venditur solum, sed obtruditur nolentibus." — *Erasmus.*

truly said, exceeded what the lowest pedlers had ever devised to sell their worthless wares,—artifices which would be perfectly incredible, were they not attested by unexceptionable authority. Rejecting the declamations of religious polemics, the council of Bologna (1547) bear abundant evidence to the melancholy fact. The fathers condemn "the detestable deceptions practised in the distribution of indulgences," and they specify several minutely. That on festivals, also, poor artisans and peasants were forced to attend the church, to hear sermons in praise of indulgences; that those who had no money were allured, by the promise of credit, to rescue a relation or friend from the torments of purgatory; that no sooner was the purchase concluded, than the poor dupe was compelled, under the threat of excommunication, to raise the money without delay, is admitted, and deservedly reprobated, by the council. The fathers might have used even stronger language. As the sale of the indulgences, in each province, was let out to farmers-general; as each farmer-general divided his province among several sub-farmers, as each sub-farmer had his questors busily employed in different parts of the district; as the most eloquent and the most impudent men were uniformly chosen to preach the virtue of indulgences; as every individual engaged in this iniquitous traffic was desirous of raising money, not merely to satisfy his contract, but, if possible, to enrich himself or his order, who can be surprised that the most monstrous abuses prevailed? that the vilest of men were chosen as questors? that few were scrupulous to follow the letter of their instructions, even supposing these instructions to have been moderate? The truth is, that indulgences were openly sold in taverns; that they were bargained for with as much levity as the vilest merchandise; that often one half of the sum originally derived from the remission of a crime was accepted by these abominable wretches. According to the letter of the canons, no indulgence could be valid which was purchased. It was to be bought with contrition of

heart; it was to be accompanied by an engagement to repentance, by a thorough change of life, by prayer, and works of mercy. Among good works, alms given to the poor was reasonably numbered: but the pope thought that the assumption of the cross was equally efficacious, and was equally entitled to the indulgence; still more, he who proclaimed that to contribute towards the erection of St. Peter's cathedral was equally meritorious, must have little known, or must have wilfully disregarded, the very nature of an indulgence. Yet even Clement VI., and Julius II., and Leo X. ordained, that without the necessary accompaniments of prayer, repentance, and reformation of life, no such concession should be valid. The questors, however, appear to have paid no attention to this most important condition: they rendered what was already bad infamously iniquitous: by representing that money alone was sufficient; that, when the purchase was completed, either away flew the soul of a sinner from purgatory, or the offences of the living purchaser were at once pardoned.*

It must not, however, be concealed, that other causes though of a secondary nature, had some influence on the great religious revolution of the sixteenth century:— 1. There was the dislike between the mendicant friars and the secular clergy. The bishop could not behold with much complacency a body of men who scorned canonical obedience to him; and the parish clergyman was incensed at the restless audacity of the vagabond preachers who ascended his pulpit without so much as condescending to ask his permission, and who often preached doctrines which, as he at least asserted, were not adapted to the people or the place. On the other hand, the friar treated him as an idle, an ignorant, and useless servant of the altar. In this rivalry they often resorted to vituperation;

* Pallavicini, Historia Concilii Tridentini, tom. i. lib. i. cap. 1—4. Maimbourg, Histoire de Luthéranisme, tom. i. lib. 1 Sleidan, De Statu Religionis Commentarius, lib. i. p. 6. Erasmus, Epistola ad Albertum, p. 422. Raynaldus, Annales Ecclesiastici, tom. viii. passim. Putter, Historical Development, vol. i. book v. chap. 5. Mosheim, Historia Ecclesiastica, cent. xv. sæc. i. cap. 2. Schmidt, Histoire, tom. vi. Lingard, History of England, ubi suprà.

APPENDIX.

ON THE NATURE AND EFFICACY OF INDULGENCES, ACCORDING TO CERTAIN DOCTORS OF THE ROMAN CATHOLIC CHURCH.

See p. 314.

Since writing the paragraphs in the text, on the nature of Indulgences, we have met with an exposition of the subject in the "Bibliothèque Sacrée, ou Dictionnaire Universel Historique, Dogmatique, Canonique, Géographique, et Chronologique des Sciences Ecclésiastiques, par les Révérends Pères Richard et Giraud, Dominicains: Réimprimé avec Additions et Corrections par une Société d'Ecclésiastiques," tom. xiii. p. 365, &c. This elaborate and carefully written article must of necessity embody the sentiments of a great portion, perhaps of a majority, in the Roman Catholic church. In some degree it partakes of the opinions of both parties mentioned before, p. 313.: it is, in fact, a sophistical attempt to reconcile both. It exhibits much logical subtlety, a profound acquaintance with the canons of councils and scholastic definitions, and a consummate knowledge of dialectics. To the curious, the subject will be as interesting, as it would be tasteless to the general reader. For this reason, while we are glad of an opportunity of giving additional publicity to it, we preserve the language in which it is written, and consign it to the Appendix.

"INDULGENCE.

"SOMMAIRE.

"Sect. I. — *Du Nom et de la Nature des Indulgences.*
"Sect. II. — *Des différentes Sortes d'Indulgences.*
"Sect. III. — *De la Vertu et des Effets des Indulgences.*

" Sect. IV. — *De l'Existence ou de la Vérité et du Fondement des Indulgences.*
" Sect. V. — *Des Causes des Indulgences.*
" Sect. VI. — *Du Sujet des Indulgences.*
" Sect. VII. — *Des Conditions et Dispositions nécessaires pour gagner les Indulgences.*
" Sect. VIII. — *Des Abus des Indulgences.*

" Sect. I. — *Du Nom et de la Nature des Indulgences.*

" Le nom d'indulgence vient du verbe *indulgere*, faire grâce, qui est la même chose que *remittere*, remettre, pardonner, accorder grâce; d'où vient le mot Latin *remissio*, rémission, remise, pardon. C'est pourquoi le titre 10. des décrétales, au sujet des indulgences, porte *De pœnitentiis et remissionibus;* et les indulgences sont appelées par Alexandre III., remises ou rémissions, *remissiones :* terme que l'Eglise paraît avoir emprunté, non de l'usage où étaient les empereurs d'accorder la rémission générale des crimes aux coupables, quant à la peine fixée par les lois, à certains jours de réjouissance publique, comme le dit l'auteur du traité des indulgences et jubilés, imprimé à Avignon en 1751, mais de l'Ecriture-Sainte, qui dit au chapitre 61. du prophète Isaïe : *Spiritus Domini . . . misit me, ut . . . prædicarem captivis indulgentiam, seu remissionem,* comme on lit au chapitre 4. de Saint Luc.

" L'indulgence est la relaxation ou la remise de la peine temporelle dûe à nos péchés, même pardonnés quant à la coulpe et à la peine éternelle, que l'Eglise accorde, hors le sacrement de pénitence, par le ministère de ceux qui ont le pouvoir de distribuer ou d'appliquer ses trésors spirituels.

" *Explication :* 1°. L'indulgence est la remise de la peine temporelle due à nos péchés, pardonnés quant à la coulpe et à la peine éternelle; car l'indulgence ne remet, ni coulpe, ni la peine éternelle du péché : c'est le sacrement de pénitence qui opère ce double effet : mais elle remet seulement la peine temporelle due au péché dans le for intérieur et au jugement de Dieu, non dans le for extérieur ecclésiastique ou civil, puisque l'indulgence ne dispense pas des peines encourues dans le for contentieux, soit ecclésiastique, soit séculier, ces sortes de peines étant imposées pour le bien de la république et le bon ordre de la société.

" 2°. Cette remise de la peine temporelle se fait hors le sacrement, en quoi elle diffère de celle qui se fait dans le sacrement même, ou qui répond aux dispositions plus ou moins parfaites des pénitens.

" 3o. Cette remise se fait aussi par le ministère de ceux qui ont le pouvoir de distribuer ou d'appliquer les trésors spirituels

de l'Eglise, c'est-à-dire, par le pape ou les évêques, qui, en qualité de chefs de la république ecclésiastique, ont seuls le pouvoir ordinaire d'appliquer les trésors de l'Eglise, c'est-à-dire, les biens spirituels dont la dispensation lui est confiée, et qui consistent dans les mérites surabondans de Jésus-Christ; de la sainte Vierge et des saints que les prélats offrent à Dieu, et qu'ils appliquent aux fidèles, pour satisfaire à leurs péchés, par le moyen des indulgences. Ce pouvoir d'accorder des indulgences, n'est point un pouvoir d'ordre, mais de juridiction: ce n'est point un pouvoir d'ordre, parce que, s'il l'était, tout prêtre pourrait en accorder; c'est un pouvoir de juridiction, parce qu'il ne peut s'exercer que sur des personnes qui soient soumises à l'autorité de celui qui les donne.

" Sect. II. — *Des différentes Sortes d'Indulgences.*

" Les indulgences se divisent, 1°. en plénières, et non plénières ou partielles. L'indulgence plénière est celle par laquelle on obtient la rémission de toute la peine temporelle due au péché, soit en cette vie, soit en l'autre, lorsqu'on a le bonheur de la gagner pleinement. Cette indulgence est la même, quant au fond, que celle que le pape Boniface VIII. appelle plus pleine et très-pleine, *pleniorem et plenissimam.* (*In extr. comm. antiq. prim. de pœnitent. et remiss.*) Ce terme de *plenior* ajoute seulement à l'indulgence plénière le pouvoir extraordinaire d'absoudre des censures et des cas réservés, et celui de *plenissima* le pouvoir de dispenser des vœux et d'autres liens semblables, comme le dit Marchantius, *In tribunali, t.* 3. *tract.* 5. *tit.* 2. *quæst.* ?. L'indulgence non plénière ou partielle est celle qui ne remet qu'une partie de la peine temporelle due au péché, comme les indulgences de plusieurs jours, de plusieurs semaines, de plusieurs quarantaines, ou de plusieurs années; c'est-à-dire, que ces sortes d'indulgences remettent autant de jours ou d'années de pénitence, qu'on en devait faire, selon les anciens canons de l'Eglise, pour les péchés qu'on avait commis: elles remettent aussi la peine dont on est redevable à la justice divine, et qui correspond à la pénitence canonique, exprimée dans l'indulgence, mais que Dieu seul connaît.

" Les indulgences se divisent, 2o. en temporelles, *temporales*, c'est-à-dire, qui ne sont que pour un temps déterminé, comme pour sept ans; en indéfinies, *indefinitas*, que l'on accorde sans détermination de temps, et en perpétuelles, *perpetuas*, que l'on accorde pour toujours. Les indulgences indéfinies sont de même nature que les perpétuelles, et les perpétuelles le sont véritablement, et n'ont pas besoin d'être renouvelées après vingt ou vingt-trois ans, comme le prétendent Pontas et Tour-

nely d'après Gamache. C'est ce qu'enseigne contre Pontas le R. P. Théodore du Saint-Esprit, confesseur consulteur de la congrégation des indulgences, dans son traité sur cette matière, imprimé à Rome en 1743. (Pontas, au mot *Indulgences*. Tournely, p. 311.)

" Les indulgences se divisent, 3°. en locales, réelles et personnelles. L'indulgence locale est attachée à un certain lieu, comme chapelle, église, &c. On la gagne en visitant ce lieu, et en observant toutes les conditions marquées par la bulle; en sorte que si la bulle ordonne d'entrer réellement dans l'église, ou d'y faire quelque exercice qui exige nécessairement cette entrée, comme d'y communier, d'y visiter cinq autels, &c., on ne gagnera point d'indulgence sans y entrer réellement, quoiqu'on en soit empêché ou par la violence ou par la multitude; au lieu que si la bulle exige seulement de visiter l'église et d'y prier, on gagnera l'indulgence en priant à la porte de l'église dans laquelle on ne pourra entrer, parce qu'on sera censé pour lors l'avoir visitée et y avoir prié, moralement parlant. Lorsqu'une église à laquelle est attachée une indulgence tombe en ruine par partie et se rédifie de même, l'indulgence subsiste, parce que l'église subsiste elle-même. Mais si l'église tombe entièrement et n'est point rétablie, l'indulgence cesse. Que si l'on rétablit l'église dans le même lieu ou dans un autre, il est plus sûr de demander de nouvelles indulgences, quoiqu'il soit probable que les anciennes subsistent dans le premier cas et même dans le second, lorsqu'elles sont accordées en vue du patron d'un tel endroit, ou à l'église qu'une communauté y possède.

" L'indulgence réelle est celle qui est attachée à certaines choses mobiles et passagères, comme rosaires, grains-bénis, médailles, et accordée aux fidèles qui portent ces choses avec dévotion. Lorsque ces choses sont changées de façon, qu'elles cessent d'être les mêmes; selon l'estimation commune des hommes, l'indulgence cesse; mais si les choses subsistent et sont censées les mêmes, malgré le changement qui leur est arrivé, l'indulgence subsiste. Tel serait le changement d'un rosaire auquel on aurait mis un cordon nouveau, ou quelques grains en moindre nombre que ceux qui subsistent.

" L'indulgence personelle est celle qu'on accorde immédiatement à quelques personnes en particulier, ou en commun aux personnes, par exemple, d'une certaine confrairie. Ces personnes peuvent gagner ces sortes d'indulgences en quelque lieu qu'elles soient, saines ou malades ou mourantes.

" 4°. Il y a encore des indulgences qu'on appelle de pénitences enjointes, *de pœnitentiis injunctis*, et ces indulgences signifient que nous obtenons la rémission d'autant de peine due

à nos péchés au jugement de Dieu, que nous en aurions pu payer par les pénitences canoniques, ou qui seraient enjointes dans toute la rigueur par le prêtre.

" Sect. III. — *De la Vertu et des Effets des Indulgences.*

" 1°. Nulle indulgence ne remet la coulpe du péché même véniel, parce que toutes les indulgences supposent toujours que la coulpe du péché, même véniel, est remise par la contrition et la confession, puisqu'elles n'accordent jamais la rémission de la peine qu'à ceux qui sont contrits et confessés, *contritis et confessis.* Ainsi quand on trouve quelquefois dans le formulaire des indulgences la rémission de la peine et de la coulpe, cela signifie précisément que le pape remet la coulpe en ce qu'il donne bien des facilités de la remettre, telles que le choix d'un confesseur, la permission d'absoudre des censures et des cas réservés, un grand nombre d'œuvres pieuses qui disposent à obtenir le pardon du péché, et qui le remettent par conséquent non d'une manière effective, prochaine et immédiate, mais d'une façon médiate, dispositive et préparatoire.

" 2°. Nulle indulgence ne remet la peine, ou la pénitence préservative du péché, telle que la fuite des occasions prochaines, ni celle qui est nécessaire pour rentrer en grâce avec Dieu, qui consiste dans la conversion du cœur, dans l'accusation de ses péchés et la volonté sincère de les expier. Tous les théologiens en conviennent, et disputent seulement sur la nécessité d'accomplir la pénitence pénale, imposée par le confesseur comme faisant partie intégrante du sacrement. Les uns prétendent que l'indulgence plénière remet cette pénitence, et les autres le nient. La difficulté est peu importante pour la pratique, et un pénitent qui veut sincèrement se sauver, prendra sans peine le parti le plus sûr, qui est d'accomplir fidèlement la pénitence qui lui sera enjointe par le confesseur, d'autant plus qu'il ne peut être certain, sans une révélation particulière, d'avoir gagné pleinement l'indulgence la plus plénière.

" 3°. L'indulgence, en remettant la peine canonique, remet aussi la peine qu'on aurait soufferte dans le purgatoire, selon le jugement de Dieu, et qui répond à la peine canonique ; puisque sans cela, comme le dit très-bien Saint Thomas, à la question 25. du supplément, les indulgences de l'Eglise seraient plus préjudiciables qu'utiles et avantageuses, en ce qu'elles ne remettraient les peines temporelles de cette vie, que pour en faire souffrir de plus rigoureuses en l'autre vie, et que d'ailleurs la puissance des clefs sur laquelle sont fondées les indulgences, appartient au siècle futur.

" 4°. L'indulgence produit son effet au moment qu'on a ac-

compli les œuvres prescrites pour la gagner, puisqu'on a rempli pour lors les conditions auxquelles elle est attachée.

" SECT. IV. — *De l'Existence, ou de la Vérité du Fondement des Indulgences.*

" C'est un point de foi décidé contre les Vaudois, les Viclefistes, les Hussites, les Luthériens et les Calvinistes, que l'Eglise a le pouvoir d'accorder des indulgences, et que cet usage est salutaire aux fidèles. Ce pouvoir de l'Eglise est établi sur l'Ecriture, sur la tradition des Pères, et sur les conciles.

" 1°. Sur l'Ecriture, savoir, dans ces paroles de Jésus-Christ à Saint Pierre et à ses successeurs : *Je te donnerai les clefs du royaume des cieux. Tout ce que tu lieras sur la terre, sera lié dans le ciel ; et tout ce que tu délieras sur la terre, sera délié dans le ciel.* (Matth. xvi. 19.) Ces paroles sont générales, et doivent s'entendre du pouvoir d'ôter tous les empêchemens à la béatitude, soit dans le sacrement par l'absolution, soit hors le sacrement par les indulgences qui appliquent les satisfactions de Jésus-Christ et des saints. C'est ainsi que Saint Paul remit, hors du sacrement, une partie de la peine qu'il avait imposée à l'incestueux de Corinthe. (*2 Cor.* ii. *6. et seq.*)

" 2o. Le pouvoir d'accorder des indulgences n'est pas moins établi sur la tradition des Pères, que sur l'Ecriture.

" Tertullien, dans le premier chapitre de son livre adressé aux martyrs ; et Saint Cyprien, dans les lettres onze, douze, treize et quartorzè, nous apprennent que les évêques, à la prière des confesseurs enfermés dans les prisons, accordaient aux pécheurs pénitens une indulgence en vertu de laquelle ils étaient dispensés du reste de la pénitence qui leur avait été imposée.

" Saint Jean Chrysostôme, dans sa quatrième homélie sur la seconde épître de Saint Paul aux Corinthiens, et Saint Ambroise, au chapitre sixième de son premier livre de la Pénitence, disent expressément que ce fut une indulgence que Saint Paul accorda à l'incestueux de Corinthe.

" 3°. Le même pouvoir d'accorder des indulgences, a son fondement dans le premier concile de Nicée, canon 2. ou 12. ; dans celui d'Ancire de l'an 314, canon *5.* ; dans le quatrième de Carthage, canons *2. 7. 54.* et *84.* ; dans celui de Latran de l'an 1116 ; celui de Constance, sess. *15.* ; celui de Trente, sess. *25.* &c. Et de-là, l'usage constant des indulgences dans l'Eglise, dont la source est le trésor de cette même Eglise, qui consiste dans les biens spirituels dont la dispensation lui est confiée, savoir, les mérites surabondans de Jésus-Christ et des saints, et leurs satisfactions non moins surabondantes. Car il est certain que les mérites et les satisfactions de Jésus-Christ étant infinis, l'Eglise peut nous les appliquer par le

moyen des indulgences, selon le pouvoir qu'elle en a reçu de Jésus-Christ lui-même. Il est certain aussi qu'un grand nombre de saints, à la tête desquels il faut mettre la sainte Vierge Marie, la reine de tous les saints, ont offert à Dieu des satisfactions dont ils n'avaient pas besoin, et que l'Eglise nous applique par la volonté de Dieu et des saints, pour ne pas les laisser oisives.

" Et qu'on ne dise point que c'est dégrader les satisfactions de Jésus-Christ, que de leur unir celles des saints, comme si elles étaient insuffisantes par elles-mêmes, et qu'elles pussent recevoir quelque nouveau degré de force et de vertu par cette union. C'est au contraire la satisfaction de Jésus-Christ qui donne à celles des saints toute leur force et toute leur vertu, en les rendant utiles et profitables non-seulement aux saints eux-mêmes, mais encore à leurs frères, membres comme eux d'un même corps ; ce qui prouve, non l'insuffisance de la satisfaction de Jésus-Christ, mais sa toute-puissante bonté qui veut bien s'associer les causes secondes dans le grand ouvrage du salut de ses élus, en leur communiquant sa vertu, comme des instrumens dont il lui plaît de se servir pour cet effet, et des canaux qui prouvent l'abondance de la source infinie dont ils sont émanés, loin d'en montrer la sécheresse, ou de lui servir de supplément. Il en est donc de l'union des mérites des saints avec ceux de Jésus-Christ dans le trésor de l'Eglise, comme de l'assemblage des causes secondes que Dieu emploie dans le gouvernement du monde, et qui font briller sa puissance dont elles empruntent toute leur force et toute leur activité.

" Sect. V. — *Des Causes des Indulgences.*

" On distingue quatre sortes de causes : l'*efficiente* qui produit l'effet ; la *finale* qui détermine à l'action ; la *matérielle* qui consiste dans le sujet, ou la matière de la chose ; la *formelle* qui constitue son essence.

" Or, la cause efficiente principale des indulgences, c'est Jésus-Christ. Les causes secondaires et moins principales, sont tous ceux qui ont droit d'accorder des indulgences, tels que les conciles, les papes, les évêques, et quelques autres personnes, de la manière que nous allons l'expliquer.

" 1°. Les conciles généraux, représentant toute l'Eglise, ont droit d'accorder toutes sortes d'indulgences dans toute l'Eglise, non-seulement quand le pape y assiste en personne, mais aussi quand il n'y assiste que par ses légats, ou qu'il est mort.

" 2°. Le pape étant le vicaire de Jésus-Christ en terre, et le chef de l'Eglise universelle, peut accorder, de droit divin, toutes sortes d'indulgences dans toute l'Eglise, et ce pouvoir est

également fondé sur l'Ecriture, sur la tradition, sur la décision des conciles, et sur l'usage constant que les papes en ont fait.

" 3°. Les légats, par commission du pape, peuvent accorder des indulgences dans tous les lieux de leurs légations.

" 4°. Les évêques ont aussi, de droit divin, le pouvoir d'accorder des indulgences à leurs diocésains, parce qu'ils en sont les chefs de droit divin, et qu'ils ont une juridiction extérieure à laquelle est attaché ce pouvoir que les conciles peuvent néanmoins restreindre, comme ils l'ont fait en effet, parce qu'il leur est subordonné par l'institution divine. De-là vient que quelques évêques ayant abusé de leur pouvoir en cette matière, le quatrième concile de Latran (*can.* 62.) les priva du droit qu'ils avaient d'accorder des indulgences plénières, et le limita à la concession d'une année d'indulgence à la dédicace d'une église, et de quarante jours dans d'autres occasions et pour de justes raisons. Il est douteux si cette restriction ne regarde que le for extérieur, et si les évêques peuvent toujours accorder des indulgences de plusieurs années dans le tribunal de la pénitence, les théologiens ne s'accordant point là-dessus, non plus que sur le pouvoir des évêques touchant les indulgences accordées aux morts. Barbosa croit que leur pouvoir a été restreint par le saint-siége à leurs diocésains vivans. (Barbosa, p. 3. *De offic. et potest. Episc. alleg.* 88. No. 24.) D'autres rejettent cette restriction comme odieuse.

" Quoi qu'il en soit, le pouvoir d'accorder des indulgences, appartient à l'évêque confirmé, quoique non consacré, parce qu'il jouit dès lors de la puissance de juridiction qu'il peut exercer par lui-même, ou par un délégué, soit dans son propre territoire, soit dans un territoire étranger à l'égard de ses diocésains seulement. Or, ce que peut un évêque dans son diocèse par rapport aux indulgences, un archevêque le peut dans toute sa province partout où la discipline des décrétales est reçue, puisqu'elle accorde ce pouvoir aux archevêques, comme il paraît par ces paroles d'Honoré III. *cap. Nostro* 15. *cod. tit. de pœnit. Breviter respondemus, quod per provinciam tuam liberè potes concedere litteras remissionis; ita tamen quod statutum generalis concilii non excedas.* Quant aux évêques purement titulaires ou coadjuteurs, ils n'ont point par eux-mêmes le pouvoir d'accorder des indulgences, parce que ce pouvoir n'est point attaché au caractère, mais à la juridiction. On doit porter le même jugement des cardinaux, archidiacres, pénitenciers et grands-vicaires des évêques, qui n'ont en matière d'indulgences, que ce qui leur est accordé par une permission particulière, ou une coutume légitime. Et ce n'est que sur ce fondement que les cardinaux et les grands pénitenciers accordent cent jours d'indulgences. Pour ce qui regarde les

chapitres des églises cathédrales pendant la vacance du siége épiscopal, ils peuvent suivre l'usage qu'ils trouvent établi dans leurs églises touchant la concession des indulgences.

" 5°. Les curés, les abbés, les supérieurs des ordres religieux, aucun prêtre inférieur aux évêques, ne peuvent de droit commun accorder des indulgences. C'est le sentiment le plus suivi des théologiens après Saint Thomas, qui dit dans le supplément *ad* 3. *p. q.* 26. *art.* 1. *Sacerdotes parochiales, vel abbates, aut alii hujusmodi prælati, non possunt indulgentias facere.* Il y a même un texte du pape Innocent III. (*can.* 60.) au quatrième concile général de Latran, rapporté dans le droit, *cap.* 12. *De excessibus præl.* par lequel ce pape reprend sévèrement certains abbés qui, en portant les mains sur les droits des évêques, osaient accorder des indulgences, et le leur défend expressément hors le cas d'une permission spéciale, ou d'une coutume légitime. La raison est qu'il n'appartient qu'aux véritables prélats qui sont les princes du peuple de Dieu, de dispenser les trésors de l'Eglise, et que selon Saint Thomas, les seuls évêques sont véritablement prélats, parce qu'eux seuls sont les gouverneurs de tout un peuple, et comme des rois dans un petit royaume ; au lieu que les curés et les supérieurs des ordres religieux, ne sont que comme les pères d'une famille ou d'une maison. Les lettres d'affiliation que les supérieurs des ordres religieux accordent à leurs bienfaiteurs pour leur communiquer les satisfactions ou les suffrages de leurs sujets, ne sont donc point des indulgences, puisqu'elles ne leur appliquent pas les satisfactions passées, mais seulement les futures, et encore par voie d'impétration, et que d'ailleurs cette communication ne se fait pas du trésor des mérites de Jésus-Christ et des saints.

" 6°. Le pouvoir d'accorder des indulgences étant un acte de juridiction, les diacres et les clercs inférieurs sont capables de l'exercer par commission, mais non pas des laïcs.

" La cause formelle des indulgences qui en constitue l'essence, consiste dans toutes les parties qui leur sont essentielles, et qui résulte de leur définition même.

" La cause matérielle *ex quâ*, c'est le trésor même de l'Eglise, tel qu'on l'a expliqué. La cause matérielle *in quâ*, c'est le sujet dont nous allons parler dans le chapitre suivant.

" La cause *finale* ou *motive*, est la raison qui détermine le prélat à accorder l'indulgence ; raison qui doit être juste et proportionnée à la nature de l'indulgence qu'il accorde, puisque, sans cette juste proportion, les indulgences deviendraient pernicieuses aux fidèles, en entretenant leur indolence et leur impénitence, et en inspirant même du mépris pour les clefs de l'Eglise, ainsi que le dit Innocent III. (*cap. cum ex eo* 14. *De pœnit,* etc.) dans le concile de Latran : *Per indiscretas* et

superfluas indulgentias . . . et claves Ecclesiæ contemnuntur, et pœnitentialis satisfactio enervatur. D'ailleurs les prélats ne sont pas les arbitres absolus des trésors de l'Eglise, ils n'en sont que les dispensateurs ; or, le dispensateur ne peut disposer des biens de son maître sans une juste raison. Mais quelles sont ces justes raisons d'accorder des indulgences ? Voici les principales, selon Sylvius (*In supp. q. 25. art. 2. conclus. 3.*), la construction et la consécration des églises, la conversion des infidèles, l'extirpation des hérésies, la dévotion des fidèles envers les saints et le siége apostolique, la gloire des martyrs, le danger des maux spirituels ou corporels.

" Sans ces raisons ou d'autres semblables, les indulgences qu'on accorderait, seraient nulles et invalides, sinon en tout, au moins en partie ; car il pourrait arriver qu'une indulgence qui ne serait pas fondée sur des raisons proportionnées à son étendue, fût valide en partie, et en partie invalide, selon qu'elle serait fondée, ou destituée de fondement. Mais il faut soigneusement remarquer qu'on ne doit point juger de l'importance et de la proportion de la cause qui détermine à accorder une indulgence, ni par les personnes particulières auxquelles on l'accorde, ni par les actions considérées en elles-mêmes qu'on exige d'elles ; mais par le bien commun que l'on se propose, tel que la gloire de Dieu, l'édification des fidèles, et l'accroissement de la piété parmi eux, la défense de l'Eglise, le salut du prochain, &c. D'où vient, dit Maldonat, qu'il peut arriver qu'une personne fasse mieux pénitence en donnant un écu d'or pour la rédemption des captifs, ou la défense de l'Eglise, qu'en jeûnant tout une année, non qu'il ne soit plus facile à un riche de donner un écu d'or que de jeûner tout une année ; mais parce qu'un écu d'ordonné dans ces circonstances, contribue davantage à la gloire de Dieu, que le jeûne d'une année.

" Que si l'on demande quand est-ce que cessent les indulgences ? On répond qu'elles cessent, 1°. Quand on les a gagnées lorsqu'elles ne sont accordées que pour une fois seulement, telles que celles qui sont attachées à un certain jour. 2°. Quand on transfère une fête à laquelle elles sont attachées, à moins que la bulle d'indulgence ne permette de les transférer avec la fête. 3°. Par la révocation du prélat qui les a accordées, ou de son successeur, ou de son supérieur. 4°. Par la mort du pape qui les a accordées, selon son bon plaisir, mais non s'il les a accordées jusqu'au bon plaisir du siége apostolique ; parce que c'est une maxime que, *beneplacitum omne per obitum rom. Pontificis omninò extinguitur, cap. si gratiosè, 5. de rescript. in sext.* 5°. Par le concours d'une indulgence plus célèbre, comme il arrive dans les jubilés. 6°. Quand on vend les rosaires de la Terre-Sainte, qui ont des indulgences attachées.

" SECT. VI. — *Des Sujets des Indulgences.*

" Par le sujet des indulgences, on entend les personnes qui sont capables d'en jouir, ou auxquelles on peut les accorder, et ces personnes sont les seuls fidèles en état de grâce, soit vivans, soit défunts, puisque l'indulgence ne remettant que la peine qui reste après la rémission de la coulpe du péché, il est impossible qu'elle soit appliquée aux pécheurs impénitens qui persévèrent dans la coulpe du péché, et les fidèles même qui sont en état de grâce, ne peuvent obtenir la rémission de la peine de leurs péchés véniels, avant que la coulpe en ait été effacée, parce que tant que la coulpe subsiste, elle mérite et exige la peine.

" Pour ce qui est des indulgences, par rapport aux fidèles défunts qui sont en purgatoire, l'E'glise leur en accorde ; mais d'une manière différente des fidèles vivans. Elle accorde aux fidèles vivans les indulgences par voie d'absolution, en vertu de l'autorité et de la juridiction qu'elle a sur eux, et en leur remettant une partie de la peine due à leurs péchés par l'application qu'elle leur fait des mérites de Jésus-Christ et des saints, à peu près comme un roi qui prendrait dans son trésor de quoi mettre en liberté des captifs qu'il tiendrait dans ses prisons. L'Eglise accorde aux fidèles défunts les indulgences par voie de suffrage satisfactoire, en offrant à Dieu, d'une façon plus particulière, les mérites de Jésus-Christ et des saints, pour le soulagement des morts, comme un roi qui offrirait à un autre la rançon des captifs qui seraient à son pouvoir pour les délivrer ; et cette différence vient de ce que l'E'glise n'a point de juridiction sur les morts, au lieu qu'elle en a sur les vivans.

" On doit donc tenir pour certain que les indulgences que l'Eglise applique aux morts, leur sont véritablement utiles, soit que l'utilité qu'ils en reçoivent n'ait d'autre fondement que la pure miséricorde de Dieu qui peut les accepter ou les rejeter à son gré, comme le pensent quelques théologiens, soit qu'elle ait sa source dans une sorte de justice, fondée sur l'institution et la promesse de Dieu qui s'est engagé à les accepter comme tous les autres suffrages qu'on lui offre pour les morts, ainsi que le croient plusieurs autres théologiens. (*Voyez* PURGATOIRE.)

" SECT. VII. — *Des Conditions et Dispositions nécessaires pour gagner les Indulgences.*

" 1°. Pour gagner les indulgences, il est nécessaire et il suffit d'être en état de grâce lorsqu'on reçoit l'indulgence, c'est-à-dire, lorsqu'on fait la dernière action commandée par la bulle, parce que ce n'est que dans cet instant que l'indulgence

produit son effet. C'est assez que les autres actions soient faites dans un esprit pénitent et détaché du péché mortel. Ainsi pensent la plupart des théologiens après Saint Antonin, 1 p. tit. 10. c. 3. § 5. *in fine*.

" 2°. L'attache à un seul péché véniel empêche de gagner pleinement l'indulgence plénière, puisqu'on ne peut la gagner au moins par rapport à ce péché auquel on est attaché, la peine du péché ne pouvant être remise sans la rémission de la coulpe.

" 3°. Il faut accomplir fidèlement tout ce qui est prescrit par la bulle d'indulgence, sans quoi on ne la gagne, ni en tout, ni en partie. Ainsi lorsque le jeûne et la communion sont prescrits, les enfans qui n'ont pas l'âge requis pour le jeûne et la communion, et qui par-là ne peuvent, ni jeûner, ni communier, ne gagnent pas l'indulgence, à moins que la bulle ne renferme ces exceptions.

" 4°. Lorsque la confession est prescrite par la bulle d'indulgence, comme une partie des œuvres nécessaires pour la gagner, il faut se confesser, quand même on serait en état de grâce. Mais si la confession n'est prescrite que comme un moyen de se mettre en état de grâce, et que l'on y soit en effet, il n'est pas nécessaire de se confesser ; dans le doute, il faut prendre le parti le plus sûr qui est de se confesser.

" 5°. Il faut accomplir les œuvres enjointes par soi-même, et il ne suffit pas de les faire par autrui, excepté l'aumone, qu'on peut donner à un autre pour la distribuer ; en sorte néanmoins que s'il ne la distribuait pas, celui qui lui en aurait donné la commission, ne gagnerait pas l'indulgence.

" 6°. On peut gagner plusieurs fois le jour une indulgence accordée sans limitation de temps à ceux qui visiteront une église, en la visitant plusieurs fois le jour, pourvu que chaque visite soit moralement distincte des autres, et non pas si on ne faisait qu'entrer et sortir, et pourvu aussi que ce ne soit pas indulgence plénière.

" 7°. Quand les œuvres prescrites par la bulle d'indulgence sont fixées à un temps déterminé, et qu'on a laissé passer ce temps par négligence ou autrement, sans les accomplir, on ne peut plus gagner l'indulgence. Mais si les œuvres prescrites ne sont pas fixées à un temps determiné, on peut les différer pour raison et par l'avis d'un sage confesseur, et ce délai n'empêchera pas de gagner l'indulgence, pourvu qu'on les accomplisse avant l'indulgence qu'on veut gagner.

" 8°. Si celui qui, par négligence ou autrement, n'a pas gagné l'indulgence dans le temps qu'elle était publiée et dans l'endroit où il se trouve, va dans un pays où le temps de l'in-

dulgence n'est pas encore passé, et qu'il y accomplisse ce qui est porté par la bulle, il gagnera l'indulgence.

" 9°. Il suffit en faisant des prières prescrites, de les offrir à Dieu en général, selon les intentions du souverain pontife, soit qu'il soit mieux de les spécifier.

" 10°. Lorsqu'une personne a reçu du souverain pontife le pouvoir de distribuer des indulgences, elle doit s'en acquitter par elle-même, sous peine de nullité des indulgences qu'elle ferait distribuer par d'autres.

" Sect. VIII. — *Des Abus des Indulgences.*

" Quelque bonnes que soient les indulgences réduites à leurs justes bornes, il s'y peut glisser et il s'y est glissé en effet divers abus, parce qu'on abuse des meilleures choses. Nous rapporterons ici plusieurs de ces abus que l'Eglise a condamnés dans tous les temps, après avoir remarqué d'abord qu'il y a deux excès également dangereux à éviter dans cette matière, le mépris et la confiance aveugle. Les hérétiques et les libertins n'ont que du mépris pour les indulgences : voilà le premier excès. Un grand nombre de catholiques regardent les indulgences comme un moyen court, facile et infaillible d'assurer leur salut sans se convertir, sans faire pénitence, sans se gêner en rien, sans observer la loi de Dieu : voilà le second, excès non moins dangereux que le premier. On évitera ces deux excès en condamnant également et la témérité de ceux qui rejettent toutes les indulgences, et la crédulité de ceux qui y mettent une confiance outrée, et enfin en se précautionnant contre tous les autres abus qui peuvent se glisser dans la matière des indulgences dont nous allons parcourir les principaux.

" Le premier abus des indulgences est de croire qu'elles remettent la coulpe aussi bien que la peine du péché, puisqu'il est certain que les termes des bulles qui portent quelquefois l'absolution ou la rémission de la coulpe, ne doivent s'entendre que des moyens d'obtenir la rémission de la coulpe, que Dieu seul peut accorder par lui-même, ou par les sacrémens qu'il a établis dans son Eglise.

" Le second abus est d'accorder des indulgences sans une cause légitime. Mais c'est aux supérieurs à en juger, et non pas aux fidèles, qui doivent être tranquilles à cet égard, lorsqu'ils observent exactement et dans un esprit de pénitence les œuvres marquées dans les bulles d'indulgence.

" Le troisième abus, c'est de faire trafic des indulgences,

comme faisaient les anciens quêteurs si souvent condamnés par les conciles. D'où vient que pour retrancher cet abus, les papes ont coutume de mettre cette clause dans les bulles des indulgences qu'ils accordent : Que si l'on donne quelque chose pour les obtenir, elles sont nulles et invalides par le seul fait : *Si aliquid datum fuerit ad obtinendum indulgentiæ hujus privilegium, ea statim nulla sit et irrita.*

" Le quatrième abus, c'est d'attribuer à certaines oraisons, images, croix, médailles et autres choses semblables des effets qu'elles n'ont point en vertu des indulgences qui y sont attachées, surtout en y mêlant des circonstances superstitieuses. *Voyez* SUPERSTITION.

" Le cinquième abus, qui regarde les indulgences pour les morts, c'est de croire qu'en récitant certaines prières, ou en disant la messe, même à des autels privilégiés pour les morts, on délivrera infailliblement quelques âmes du purgatoire. *Voyez* PURGATOIRE, AUTEL PRIVILÉGIÉ.

" Le sixième abus, c'est de publier des indulgences indiscrètes, c'est-à dire, ou des indulgences qui n'ont jamais été accordées, ou qui sont surannées par le laps de temps, ou qui ont été révoquées. Mais pour juger quelles sont les indulgences qui n'ont jamais été accordées, ou qui ont été révoquées, et celles qui subsistent encore aujourd'hui, nous allons rapporter les principales des unes et des autres, en commençant par les premières.

" *Indulgences fausses, ou apocryphes, ou révoquées, ou nulles par quelque Endroit.*

" Le 7 Mars 1678, il parut à Rome un décret de la congrégation des indulgences et des reliques qui condamne les indulgences suivantes :

" 1. Celles que l'on dit avoir été accordées par Jean II., et Sixte IV., à ceux qui reciteront l'oraison de la charité de Notre Seigneur Jésus-Christ. *Precor, piissime Domine.*

" 2. Par Urbain II., à l'église de Sainte-Marie, nommée vulgairement de la Compagnote et de Sainte-Victoire.

" 3. Par Eugène III., à la révélation de la plaie de l'épaule de Jésus-Christ faite à Saint Bernard.

" 4. Par Innocent III., à l'archiconfrérie et Ordre de la Rédemption.

" 5. Par Boniface IX., à ceux qui visitent la chapelle de Saint-Nicolas de Tolentin le jour de sa fête.

" 6. Par Jean XXII., à ceux qui baisent la mesure de la plante du pied de la bienheureuse Vierge Marie.

" 7. Par Alexandre VI., à l'image de la bienheureuse Vierge communément appelée Laghetti ou du Petit Lac.

" 8. Par Léon X., à ceux qui portent le cordon de Saint François, imprimées à Rome et à Milan en 1565. Ces confrères du cordon de Saint François ont cependant d'autres indulgences véritables.

" 9. A ceux qui récitent la Salutation angélique, lorsqu'ils entendent sonner l'horloge, et à l'image de la conception immaculée de la sainte Vierge peinte dans un cercle, et sous les pieds de laquelle est une lune.

" 10. Par Pie IV. ou V., au prince de Sienne.

" 11. Par Clément III., à ceux qui disent l'oraison: *O magnum mysterium*, à l'église de Notre-Dame, qu'on appelle du Mont-Ferrat, imprimées à Avignon, et pour les âmes des fidèles défunts, imprimées à Madrid le 20 Juillet 1606.

" 12. Par Paul V., à ceux qui chantent l'hymne, *Te matrem Dei laudamus, te Mariam Virginem confitemur*, ou qui assistent le Samedi quand on la chante ; et aux couronnes, rosaires, images, médailles bénites par ledit pape, à la prière du cardinal Frédéric Borromée en 1611, lorsqu'on bâtissait à Rome l'église de Saint-Charles.

" 13. Par le même pape Paul V. et Grégoire XV., à ceux qui diraient: *loué soit le très-saint Sacrément.*

" 14. Par Urbain VIII., en l'honneur du même saint sacrément, à la prière du cardinal Malagotti, et aux prêtres qui après avoir célébré la messe diraient: *Ave, mater Dei filii*, etc.

" 15. Par Clément X., à ceux qui récitent le matin, à midi et le soir l'antienne accoutumée, *angelus Domini*, etc., et la finissent en disant: *Deo gratias et Mariæ.*

" 16. Et enfin, celles que l'on dit avoir été données par quelques autres papes aux couronnes des mystères de la passion de notre Seigneur Jésus-Christ, à la prière du grand-duc de Toscane.

" 17. Telle est, l'indulgence de la confrairie de Saint-Nicolas, par le moyen de laquelle on prétend chaque jour délivrer une âme du purgatoire, en disant cinq fois l'Oraison dominicale et la Salutation angélique.

" 18. Telles sont aussi les indulgences de Saint Sébastien et de Saint-Roch à Pérouse, et à Rome de la société de Saint Bernard à la colonne de Trajan, et de celles des Croisiers de Saint Eustorge, à Milan, à Rimini et à Bologne.

" 19. De ce genre sont aussi celles que l'on dit avoir été accordées à la chapelle du rosaire en l'église de Saint-Antoine de Rovigo ou de Rodige, ou à l'église de la très-sainte Trinité à Bergame, ou de Saint Pierre du Mont Todon, le jour de la

fête de l'invention de sainte Croix, ou à ceux qui portent le cordon de Saint-François de Paule, ou à ceux qui disent les messes de Saint Augustin; ou cinq messes en l'honneur des cinq fêtes de la bienheureuse Vierge; ou à ceux qui récitent l'office de Sainte Françoise la Romaine, ou l'antienne, *O passio magna*, etc., en mémoire de la passion de notre Seigneur, ou le rosaire de Sainte Anne, lequel la sacrée congrégation n'approuve pas, ou l'oraison qu'on a coutume d'imprimer au-dessous de l'image de Sainte Anne: *Ave gratia plena*, etc., laquelle il est fait défense de dire, ou l'office de la Conception immaculée de la bienheureuse Vierge, qu'ils assurent avoir été approuvé par Paul V., ou l'oraison: *Deus qui nobis in sanctâ sindone*, etc., en quoi l'on excepte l'indulgence de cent jours accordée en 1671, à la prière de la duchesse de Savoie pour l'espace de vingt-cinq ans en faveur de ceux qui demeurent dans les terres de son obéissance, ou à ceux qui disent après la communion, *Ave filia Dei*, etc., ou à ceux qui honorent par quelque signe visible le nom du très-saint Sacrément de l'Eucharistie.

" 20. *Item.* Les indulgences de quatre-vingt mille ans, copiées sur un vieux tableau que l'on dit être gardé dans l'église de Saint-Jean-de-Latran pour ceux qui disent cette oraison véritablement pieuse: *Deus qui pro redemptione mundi*, etc.

" 21. Celles qui ont été imprimées en partie en 1670, avec ce titre: Sommaire des Indulgences accordées par le Souverain Pontife Léon X., à l'image de la conception de la glorieuse Vierge Marie. Celles qui ont été divulguées pour Pesaro en 1608, sous le nom de *la B. Jeanne;* ou à Barlette, pour ceux qui réciteraient certaines oraisons, qui à la vérité ne sont pas mauvaises; ou à Parme, pour ceux qui visitent, pendant les jours de carême, les églises du tiers-Ordre de Saint-François; ou à Pistoie et à Gustalle, pour ceux qui disent l'oraison, *Ave, sanctissima Maria, mater Dei, regina cœli*, etc. Et d'autres indulgences contenues dans un livre particulier, desquelles on dit que jouissent les bienfaiteurs et dévots séraphiques.

" 22. Il faut mettre de ce nombre les indulgences que l'on dit avoir été attribuées soit aux croix de Caravaca, soit à la couronne de l'immaculée Conception de la sainte Vierge, qui est composée de douze grains; soit aux grains, croix et couronnes d'Aloïse de l'Ascension, religieuse d'Espagne de l'Ordre de Sainte-Claire, soit à la mesure de la hauteur de notre Seigneur, soit à l'image ou mesure de la plaie de son côté, soit à l'oraison qu'on prétend qui fut trouvée dans son sépulcre. *Item*, les indulgences qu'on appuie sur les révé-

lations de Sainte Brigitte, de Sainte Mecthilde, de Sainte Elizabeth et de la bienheureuse Jeanne de la Croix. Et encore les indulgences qu'on veut être attachées aux grains qui ont touché à l'un des trois grains, dont l'un est gardé par le pape, l'autre par le roi d'Espagne, et le troisième par le général des Frères mineurs de Saint-François.

" La congrégation déclare nulles toutes ces indulgences, défend de les publier, et ordonne d'abolir tous livres ou feuilles volantes qui les contiennent, à moins qu'on ne les ait effacées. Cependant la congrégation n'entend pas que les autres indulgences qui ne sont pas comprises dans son décret, puissent passer pour vraies, pour légitimes, ni pour tacitement approuvées.

" 23. La congrégation déclare aussi nulles toutes les indulgences accordées aux couronnes, rosaires, grains, croix et images bénites avant le décret de Clément VIII., du 19 Janvier 1598. Toutes celles qui ont été données aux religieux de quelque Ordre que ce soit, devant le bref de Paul V. qui commence, *Romanus Pontifex*, etc., du 23 Mai 1606. Et toutes celles qui ont précédé la constitution 115. de Clément VIII. et 68. de Paul V., qui commence, *Quæ salubriter*, etc., à moins qu'elles n'ayent été depuis renouvelées ou confirmées par le pape.

" 24. Les sommaires d'indulgences pour la doctrine Chrétienne et pour les confrairies de la très-sainte Trinité et Rédemption des captifs, du nom de Dieu, du Rosaire, de Notre-Dame de la Merci et Rédemption des captifs, de Notre-Dame du Mont-Carmel, de la ceinture de Saint-Augustin et de Sainte Monique, ne sont point permis, s'ils ne sont revus et approuvés de nouveau par ladite congrégation. Quant aux indulgences des stations de Rome, qui ont été ou qui seront communiquées, elles ne peuvent servir que dans les jours expressément marqués dans le Missel Romain.

" *Indulgences véritables, et communes à tous les Fidèles.*

" 1°. Quatre cents jours pour tous ceux qui s'étant confessés, assistent à la grande messe le jour de la fête du très-saint Sacrement; autant pour ceux qui assistent aux matines, ou aux vêpres du même jour; cent soixante pour ceux qui assistent à l'une des petites-heures; et la moitié de tout cela pour ceux qui assistent, ou à la messe, ou aux matines, etc., pendant l'octave. Sixte IV. a accordé les mêmes indulgences à ceux qui assistent aux mêmes offices le jour et pendant l'octave de l'immaculée Conception, et Clément VIII. à ceux qui assistent à l'office du saint nom de Jésus.

" 2o. Sixte IV. a accordé trois cents jours d'indulgences à ceux qui récitent dévotement les litanies du saint nom de Jésus, et deux cents à ceux qui récitent celles de la sainte Vierge.

" 3o. Sept années, sept fois quarante jours d'indulgences à ceux qui portent un cierge ou un flambeau lorsqu'on porte le saint Viatique aux malades. Trois années et trois quarantaines à ceux qui le font porter, ne pouvant le porter eux-mêmes. Cinq années et cinq quarantaines à ceux qui accompagnent le saint Viatique sans porter de lumières. (Innocent XII., par un indult du 5 Janvier 1695.)

" 4o. Indulgence plenière à tous ceux qui étant confessés, contrits et communiés, assistent aux prières des quarante heures. (Grégoire XIII., par son indult du 5 Avril 1580.)

" 5o. Indulgence plénière une fois le mois, le jour que l'on choisira à son gré, à tous ceux qui étant confessés, contrits et communiés, réciteront dévotement ce jour-là à genoux l'*Angelus Domini*, le matin à midi, et le soir au son de la cloche, et cent jours d'indulgence à chaque fois qu'on le récitera de même les autres jours. (Benoit XIII., par son indult du 14 Septembre 1724.) Le même pape, par ses lettres *in forma brevis* du 5 Décembre 1727, a étendu la même indulgence aux religieux qui étant occupés à quelque exercice régulier dans le temps qu'on sonne l'*Angelus*, le réciteraient à genoux à un autre temps. Benoît XIV. a confirmé la même indulgence le 20 Avril 1742, et a ajouté qu'on la gagnait en récitant *Regina cœli*, au temps de Pâques, avec le verset et l'oraison, *Deus qui per resurrectionem*, etc., pour ceux qui la savent ; en sorte néanmoins que ceux qui ne savent, ni le *Regina*, ni cette oraison, gagneront également l'indulgence en récitant l'*Angelus*. On gagnera aussi l'indulgence, sans dire à genoux, soit le *Regina cœli*, soit l'*Angelus*, pendant le temps paschal, et tous les Dimanches de l'année, partout où ce n'est pas la coutume de réciter ces prières à genoux.

" 6o. Indulgence de cent jours à ceux qui se salueront, l'un en disant, *Laudetur Christus*, ou loué soit Jesus-Christ ; l'autre en répondant, *In secula*, dans tous les siècles, ou *Amen*, ainsi soit-il, ou *semper*, toujours. Même indulgence pour les prédicateurs et autres fidèles qui tâcheront d'introduire cette manière de se saluer. De plus, indulgence plénière à l'article de la mort pour ceux qui s'étant servis pour l'ordinaire de cette façon de se saluer pendant leur vie, invoqueront, au moins de cœur, s'ils ne le peuvent de bouche, les noms de Jésus et de Marie. (Par indult de Sixte V., renouvelé par Benoit XII., le 22 Janvier 1728.)

" 7o. On peut mettre au nombre des indulgences véritables,

toutes celles qu'on affiche publiquement dans les différentes églises ou chapelles, les jours de fêtes et de solennités.

" *Indulgences véritables et propres aux Personnes religieuses des deux Sexes.*

" 1°. Indulgence plénière à celui qui, étant contrit, confessé et communié, prend l'habit religieux dans l'intention de faire profession.

" 2°. Même indulgence pour le novice qui fait profession, en observant les mêmes conditions, après son année de probation.

" 3°. Même indulgence pour le religieux qui, aux mêmes conditions, prie encore pour l'exaltation de la sainte Eglise, le jour de la fête principale de son Ordre.

" 4°. Même indulgence pour le religieux qui célèbre sa première messe, pour les autres qui y assistent après avoir communié, ou qui la célèbrent le même jour.

" 5°. Même indulgence pour tout religieux qui, étant contrit, confessé et communié, invoque dévotement, au moins de cœur, s'il ne le peut de bouche, le nom de Jésus, à l'article de la mort.

" 6°. Même indulgence pour les religieux qui font la retraite pendant dix jours, qui ont été restreints à huit pour les Frères Mineurs par Alexandre VII. le 11 Juin 1659.

" 7°. Les religieux qui visitent leur église en y priant dévotement devant le Saint-Sacrement pour l'exaltation de l'Eglise, etc., les jours marqués pour les stations de Rome, gagnent l'indulgence qu'on appelle des *stations*, et qui consiste dans une année de rémission pour ceux qui visitent l'église du Vatican à Rome et les autres églises stationales.

" 8°. Tout religieux qui récite cinq *Pater* et cinq *Ave* devant le Saint-Sacrement, gagne, chaque jour qu'il les récite, cinq années et autant de quarantaines d'indulgence.

" 9°. Même indulgence pour les religieux qui, étant dehors de leur cloître, avec la permission de leurs supérieurs, récitent les mêmes prières devant l'autel de quelque église que ce soit.

" 10°. Indulgence de soixante ans et d'autant de quarantaines, pour tout religieux qui fait pendant un mois consécutif tous les jours une demi-heure d'oraison mentale, et qui communie après s'être confessé le dernier Dimanche du mois.

" 11°. Trois années et autant de quarantaines d'indulgence aux religieux qui s'accusent avec douleur de leurs fautes dans le chapitre.

" 12°. Deux indulgences plénières pour les religieux qu'on envoie prêcher aux infidèles ou aux hérétiques : la première, le jour de leur départ ; la seconde, le jour de leur arrivée au terme de leur mission, à condition qu'ils seront contrits, confessés et communiés ces jours-là.

" 13°. Indulgence plénière pour les religieux qui, étant contrits, confessés et communiés, assisteront au moins pendant deux heures en différens temps, aux prières de quarante heures, ordonnées par le supérieur dans une visite générale, et qui prieront pour les fins accoutumées et pour l'augmentation de la régularité. Toutes ces indulgences ont été accordées par le pape Paul V."

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